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Regular Session of 1968

Volume II

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in the One Hundred and Seventy-Sixth
Year of the Commonwealth

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MONDAY, MARCH 4, 1968

FIFTIETH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by Msgr. Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

The roll was called. All present except Representatives Curlin, Keith and Melton.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Morgan moved that the reading of the Journal of March 1, 1968, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 578, by Representative Akers: AN ACT relating to easements.

HB 579, by Representative Greer: AN ACT relating to the establishment of independent planning and zoning commissions.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agricultural and Natural Resources: **HB 566, HB 571.**

Appropriations and Revenue: **HB 565, HB 568, HB 572, HB 577.**

Counties and Special Districts: **HB 567.**

Education: **HB 558, HB 559, HB 560, HB 561, HB 562, HB 563, HB 573, HB 574.**

Health and Welfare: **HB 576, HR 86.**

Highways and Traffic Safety: **SB 152.**

Judiciary: **HB 557, HB 564, HB 569, SB 197.**

Labor and Industry: **SB 70, SB 260.**

State Government: **HB 570, HB 575, HR 85.**

Report of Committees

The Committee on Rules reported **HR 82, SB 41, SB 101, HB 292, HB 431, HB 429, HB 484, HB 172, HB 300, HB 331, HB 391, HB 468, HB 257, HB 258** with the expression of opinion that the same should pass.

Calendar

HR 77, HB 253, HB 394, HB 392, HB 496, HB 263, HB 364, HR 70, HR 75, HB 541, HB 545, HR 81, HB 537, HB 554, HB 553, HB 552, HB 504, SB 14, HB 454, HB 503, SB 207, HR 62, HR 84, HB 556, HB 517, HB 476, HB 475, HB 474, HB 473, HB 472, HB 412, HB 264, HB 30, HB 287, HB 225, HB 336, HB 402, HB 408 and **HB 420** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Recess

Representative Morgan moved that the House recess until 7:00 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Rules reported **HB 400** and **HB 399** with the expression of opinion that the same should pass. **HB 400** and **HB 399** were made a Special Order for 1:30 p.m., Tuesday, March 5, 1968.

The Committee on Rules reported **HB 517, HB 412, HB 537, HB 476, HB 474, HB 475, HB 496, SB 207** with the expression of opinion that the same should pass.

The Committee on Judiciary reported **HB 15** with Committee Amendment attached thereto, **HB 242** with Committee Substitute attached thereto, **SB 55, SB 148,** and **SB 163** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 15, AN ACT providing for the liability of parents for damage to property by minors.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. No person shall willfully mark on, deface or in any way damage any public or private real or personal property. The parent or guardian of any unemancipated minor, in their care and custody, against whom judgment has been rendered for the willful marking upon, defacing or in any way damaging any property, shall be liable for the payment of that judgment up to an amount not to exceed five hundred dollars, if the parent or guardian has been joined as a party defendant in the original action. The judgment provided herein to be paid shall be paid to the owner of the property damaged but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor committing such damage for the balance of the judgment not paid by the parent or guardian.

Committee Amendment to **HB 15** is as follows:

Amend printed copy of House Bill 15 on page 1, lines 1-3, by:

deleting the first sentence in lines 1-3 beginning with "No person"

and on page 1, line 5, by deleting the words: "in any way"

and on page 2, after line 2, by adding:

"Section 2. Nothing in this Act is intended to or shall limit to Five Hundred ($500.00) Dollars the liability of a person to whom the negligence of a minor is imputed by KRS 186.590, nor

shall this Act limit the liability set forth in any other statute to the contrary"

HB 242, AN ACT relating to discriminatory practices in connection with real estate dealings.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. For the purposes of this chapter

(1) "commission" means the Kentucky Commission on Human Rights established by KRS 344.150;

(2) "real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(3) "real estate transaction" includes the sale, exchange, rental or lease or real property;

(4) "housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, homesite residence, or sleeping place of one or more individuals;

(5) "real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

(6) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, or national origin, or the aiding, abetting, inciting, coercing or compelling thereof.

(7) "person" includes an individual and any group of one or more natural persons such as, but not limited to, financial institutions, labor unions, joint apprenticeship committees, partnerships, associations, corporations, unincorporated organizations, mutual companies, joint-stock companies, trust, legal representatives, trustees in bankruptcy, receivers, any individuals acting in a financial or representative capacity, either appointed by a court or otherwise, the city and county or any of its agencies, and any other legal, governmental or commercial entity, as well as a natural person or persons. The term "persons", when applied to any of the foregoing, includes members, representatives, officers and directors.

(8) "Financial institution" means banks, banking organizations, mortgage companies, insurance companies or other lenders to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance or improvement of real property of an individual employed by or acting on behalf of any of these.

(9) "owner" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

(10) "housing unit" means a single room, suite of rooms or apartment, containing cooking and kitchen facilities, occupied, or intended for occupancy as living quarters, by a person, by a family or by a group of persons living together.

(11) "rooming unit" means any room or group of rooms forming a single, habitable unit used for living or sleeping, but which does not contain cooking and kitchen facilities.

Section 2. It is an unlawful practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of race, color, religion, or national origin

(1) to refuse to engage in a real estate transaction with a person;

(2) to discriminate against a person in the terms, con-

ditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(3) to refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(4) to refuse to negotiate for a real estate transaction with a person;

(5) to represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

(6) to print, circulate, post or mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto; or

(7) to offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

Section 3. The provisions of section 2 do not apply

(1) to the rental or lease of any housing unit(s) in real property which contains housing accommodations for not more than two housing units, if the owner or a member of his family resides in one of the housing units; or

(2) to the rental or lease of any rooming units in a housing unit, if the owner or a member of his family resides therein.

Section 4. It is an unlawful practice for a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of such a person

(1) to discriminate against the applicant because of race, color, religion, or national origin; or

(2) to use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination as to race, color, religion, or national origin.

Section 5. (1) Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy or lease thereof to individuals of a specified race, color, religion, or national origin is void.

(2) Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, color, religion, or national origin, is void, except a limitation of use on the basis of religion of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

(3) It is an unlawful practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

Section 6. It is an unlawful practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially

(1) to represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

(2) to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located, or

(3) to engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, exchange, rental or lease, or the listing for any of the above, of any of the above, of any housing accommodation.

Section 7. It is not an unlawful practice for a religious institution or religious organization or a charitable or educational organization operated, supervised or controlled by a religious institution or religious organization to give preference to members of the same religion in a real property transaction.

Section 8. It is not an unlawful practice for any person subject to this chapter to adopt and carry out a plan to eliminate or reduce imbalance with respect to race, color, religion, or national origin, if the plan has been filed with the Commission under regulations of the Commission and the Commission has not disapproved the plan.

Section 9. (1) Any person claiming to be aggrieved by an unlawful practice as defined in this Act may invoke all remedies provided by KRS Supp. Ch. 344 for an unlawful practice and the Kentucky Commission on Human Rights has the same jurisdiction and power as provided by KRS Supp. Ch. 344. The complaint must be filed within ninety days after the discriminatory practice is alleged to have occurred. All provisions relating to review and enforcement of decisions of the Commission under KRS Ch. 344 apply to the review and enforcement of decisions under this Act.

(2) In addition to the powers and duties prescribed by KRS Ch. 344, the Kentucky Commission on Human Rights may issue orders requiring:

(a) the sale, exchange, lease, rental, assignment or sublease of real property to an individual;

(b) the cancellation, recission or revocation of a contract, deed, lease or other instrument transferring real property, which is the subject of a complaint of a discriminatory practice, to a

person who has actual knowledge or record notice, prior to the transfer or the execution of the legally binding obligation to make the transfer, of said complaint;

(c) payment to an injured party of profits obtained by the respondent through a violation of Section 6, subject to the principles of equity.

Section 10. Cities and counties may adopt and enforce ordinances, orders and resolutions prohibiting discrimination; no ordinance, order or resolution shall attempt to exempt more transactions from its coverage than are exempted by this Act.

The Committee Substitute for **HB 242** is as follows:

Committee Substitute HB 242, AN ACT relating to discriminatory practices in connection with real estate dealings.

WHEREAS, it is the public policy of the United States and the Commonwealth of Kentucky, to encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, or national origin; and

WHEREAS, discrimination against individuals because of race, color, religion, or national origin represents an affront to the dignity of the individuals against whom it is directed, intensifies group conflicts, and is detrimental to the public health, safety, and welfare; and

WHEREAS, discrimination in housing may result in other forms of discrimination and segregation, including racial segregation in the public schools and other public facilities, which are prohibited by the Constitution of the United States of America, and are against the laws and policy of the Commonwealth of Kentucky; and

WHEREAS, discrimination in housing may adversely affect the continued redevelopment, renewal, growth and progress of the Commonwealth of Kentucky, and of its citizens; and

WHEREAS, the facilities of a real estate operator, real estate broker and of a financial institution, as defined in this Act are hereby declared to be a place of public accommodation within the meaning of KRS 344.130; and

WHEREAS, the most serious problem of discrimination in housing results from discrimination in commercial real estate transactions, now

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. Section 344.010 of the Kentucky Revised Statutes is amended to read as follows:

In this chapter:

(1) "Person" includes one or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.

(2) "Commission" means the Kentucky Commission on Human Rights.

(3) "Commissioner" means a member of the commission.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, or national origin, or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodation" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representa-

tives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the county or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance, upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(9) "Financial institution" means bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

Section 2. Section 344.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The general purposes of this chapter are:

(a) To provide for execution within the state of the policies embodied in the Federal Civil Rights Act of 1964 (78 Stat. 241);

(b) To safeguard all individuals within the state from discrimination because of race, color, religion, and national origin in connection with employment [and] , public accommodations *and real estate transactions;* thereby to protect their interest in personal dignity and freedom from humiliation in places of public accommodation *and in real estate transactions,* to make available to the state their full productive capacities in employment, to secure the state against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health and general welfare, and to further the interests, rights and privileges of individuals within the state.

(c) To establish as the policy of the Commonwealth the safeguarding of the rights of an individual selling or leasing his own property without the aid of any person or corporation on a fee or commission.

(2) This chapter shall be construed to further the general purposes stated in this section and the special purposes of the particular provision involved.

(3) Nothing in this chapter shall be construed as indicating an intent to exclude local laws on the same subject matter not inconsistent with this chapter.

(4) Nothing contained in this chapter shall be deemed to repeal any other law of this state relating to discrimination because of race, color, religion, and national origin.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

It is an unlawful practice for a real estate operator, or for a real estate broker, real estate salesman, or an individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his race, color, religion, or national origin;

(2) To discriminate against an individual because of his race, color, religion, or national origin in the terms, conditions, or privileges of the sale, exchange, rental or lease of real property or in the furnishing of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his race, color, religion, or national origin;

(4) To refuse to negotiate for the sale, rental or lease of real property to an individual because of his race, color, religion, or national origin;

(5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his race, color, religion or national origin.

(6) To print, circulate, post or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion or national origin or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental or lease with the understanding that an individual may be discriminated against in the sale, rental or lease of that real property or in the furnishing of facilities or services in connection therewith because of his race, color, religion, or national origin; or

(8) To otherwise deny to or withhold real property from an individual because of his race, color, religion, or national origin.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

It is an unlawful practice for a real estate operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or

national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

It is an unlawful practice for a financial institution or an individual employed by or acting on behalf of a financial institution:

(1) To discriminate against an individual because of the race, color, religion, or national origin of the individual or the present or prospective owner, tenant or occupant of the real property or of a member, stockholder, director, officer, employee, or representative of any of these, in the granting, withholding, extending, modifying or renewing, the rates, terms, conditions, privileges or other provisions of financial assistance or in the extension of services in connection therewith; or

(2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicate directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, or national origin or an intent to make such a limitation, specification, or discrimination.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Nothing in this act shall apply:

(a) To the rental of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or a member of his family resides in one of the housing accommodations;

(b) To the rental of a portion of a housing accommodation by the occupant of the housing accommodation, or by the owner

of the housing accommodation if he or a member of his family resides therein;

(c) To a religious institution, or to an organization operated for charitable or educational purposes, which is operated, supervised or controlled by a religious corporation, association or society, to the extent that the religious corporation, association, or society, limits, or gives preferences in, the sale, lease, rental assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, or sublessees, that is calculated by such religious corporation, association, or society to promote the religious principles for which it is established or maintained;

(d) To the direct rental of six or less housing accommodations by the private individual owner himself without assistance of any kind rendered by a real estate operator, broker or salesman as defined herein.

(2) Nothing in this act shall be construed to effect the legal rights of a private individual homeowner to dispose of his property any way he sees fit.

(3) Nothing in this act shall require a real estate operator to negotiate with any invididual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

It shall be no defense to a violation of this act by a real estate operator, real estate broker, real estate salesman, financial institution, or other person subject to the provisions of this act that the violation was requested, sought or otherwise procured by a person not subject to the provisions of this act.

Section 8. Section 344.190 is re-enacted to read as follows:

In the enforcement of this chapter the Commission on Human Rights shall have the following powers and duties:

(1) To maintain an office in the City of Frankfort and such other offices within the state as may be deemed necessary.

(2) To meet and exercise its powers at any place within the Commonwealth.

(3) Within the limitations provided by law, to appoint an Executive Director, attorneys, hearing examiners, clerks and other employes and agents as it may deem necessary. At the direction of the commission, attorneys appointed under this section may appear for and represent the commission in any court.

(4) To promote the creation of local commissions on human rights, to cooperate with state, local and other agencies, both public and private, and individuals, and to obtain upon request and utilize the services of all governmental departments and agencies.

(5) To cooperate with the United States Equal Employment Opportunity Commission created by Section 705 of the Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of this chapter.

(6) To accept gifts or bequests, grants, or other payments, public or private, to help finance its activities.

(7) To accept reimbursement pursuant to Section 709 (b) of the Civil Rights Act of 1964 (78 Stat. 241) for services rendered to assist the Federal Equal Employment Opportunity Commission.

(8) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this chapter.

(9) At any time after a complaint is filed, to require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person or by deposition, and require the production of documents relevant to the complaint. The commission may make rules authorizing any member or individual designated to exercise these powers in the performance of official duties.

(10) To furnish technical assistance requested by persons

subject to this chapter to further their compliance with this chapter or an order issued thereunder.

(11) To make studies appropriate to effectuate the purposes and policies of this chapter and to make the results thereof available to the public.

(12) To render annual written reports to the Governor and the legislature. The reports may contain recommendations of the commission for legislative or other action to effectuate the purposes and policies of this chapter.

(13) To create local or state-wide advisory agencies that in its judgment will aid in effectuating the purpose of this chapter. The commission may empower these agencies (a) to study and report on problems of discrimination because of race, color, religion, or national origin, (b) to foster through community effort or otherwise goodwill among the groups and elements of the population of the state, and (c) to make recommendations to the commission for the development of policies and practices that will aid in carrying out the purposes of this chapter. Members of such committees shall serve without pay but shall be reimbursed for expenses incurred in such service. The commission may make provision for technical and clerical assistance to the committees.

(14) To adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and provisions of this chapter, including regulations requiring the posting of notices prepared or approved by the commission.

Section 9. Section 344.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) An individual claiming to be aggrieved by an unlawful practice, a member of the commission, or the Attorney General may file with the commission a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission to identify the persons charged (hereinafter the respondent). The commission staff or a person designated pursuant to its rules shall promptly investi-

gate the allegations of unlawful practice set forth in the complaint and shall within five days furnish the respondent with a copy of the complaint. The complaint must be filed within 180 days after the alleged unlawful practice occurs, except that a complaint alleging discrimination in *real estate transaction must be filed within thirty days, and a complaint alleging discrimination in* employment (under KRS 344.030 to 344.110) must be filed within ninety days.

(2) The commission shall determine within thirty days after the complaint has been filed whether there is probable cause to believe the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the complainant, the respondent, the Attorney General and such other public officers and persons as the commission deems proper.

(3) The complainant, within ten days after receiving a copy of the order dismissing the complaint, may file with the commission an application for reconsideration of the order. Upon such application, the commission or an individual designated pursuant to its rules shall make a new determination within ten days whether there is probable cause to believe that the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint and furnishing a copy of the order to the complainant, the respondent, the Attorney General, and such other public officers and persons as the commission deems proper.

(4) If the staff determines, after investigation, or if the commission determines after the review provided for in subsection (3) that there is probable cause to believe that the respondent has engaged in an unlawful practice, the commission staff shall endeavor to eliminate the alleged unlawful practice by conference, conciliation and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from the commission of unlawful discriminatory

practices in the future and make such further provisions as may be agreed upon between the commission or its staff and the respondent. If a conciliation agreement is entered into, the commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent, the Attorney General, and such other public officers and persons as the commission deems proper. Except for the terms of the conciliation agreement, neither the commission nor any officer or employe thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion whether or not there is a determination of probable cause or a conciliation agreement.

(5) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the commission staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the commission shall take such action as it deems appropriate to assure compliance.

(6) At any time after a complaint is filed, the commission may file an action in the circuit court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or has his principal place of business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under KRS 344.160, 344.190 to 344.210, and 344.230 to 344.260, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commission may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper.

Section 10. Section 344.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) A complainant, respondent, or intervenor aggrieved by an order of the commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may

obtain judicial review, and the commission may obtain an order of the court for enforcement of its order, in a proceeding brought in the circuit court in a county in which the alleged unlawful practice which is the subject of the order or complaint occurs or in which a respondent resides or has his principal place of business.

(2) The proceeding for review or enforcement is initiated by filing a complaint in the court. Copies of the complaint shall be served upon all parties of record. Within thirty days after the service of the complaint upon the commission or its filing by the commission, or within such further time as the court may allow, the commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. The findings of fact of the commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the commission, or remanding the case to the commission for further proceedings. All such proceedings shall be heard and determined by the circuit court and Court of Appeals as expeditiously as possible and with lawful precedence over other matters.

(3) If the commission has failed to schedule a hearing in accordance with KRS 344.210 (1) or has failed to issue an order within *90* [180] days after the complaint is filed, the complainant, respondent, Attorney General, or an intervenor may petition the circuit court in a county in which the alleged unlawful practice set forth in the complaint occurs or in which the petitioner resides or has his principal place of business for an order directing the commission to take such action. The court shall follow the procedure set forth in subsection (2) so far as applicable.

(4) The court shall not consider any matter not considered by, nor any objection not raised before, the commission, unless the failure of a party to present such matter to or raise such

objection before the commission is excused because of good cause shown. A party may move the court to remand the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows good cause for the failure to adduce such evidence before the commission.

(5) The jurisdiction of the circuit court shall be exclusive and its final judgment or decree shall be subject to review by the Court of Appeals as provided by the Rules of Civil Procedures. The commission's copy of the testimony shall be available to all parties for examination without cost during business hours at the commission's office in Frankfort.

(6) A proceeding under this section must be initiated within thirty days after a copy of the order of the commission is received, unless the commission is the petitioner or the petition is filed under subsection (3). If no proceeding is so initiated, the commission may obtain a decree of the court for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

Where a real estate broker or a real estate salesman has failed to comply with any order issued by the Commission or has been found to have committed an unfair housing practice in violation of Section 4 of this Act, the Commission shall notify in writing the Real Estate Commission of the Commonwealth of Kentucky of said failure to comply or violation.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

Cities and counties may adopt and enforce ordinances, orders and resolutions prohibiting discrimination; no ordinance, order or resolution shall attempt to exempt more transactions from its coverage than are exempted by this Act.

SB 55, AN ACT relating to estates of decedents.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. KRS Supp. (1966) 391.030 is amended to read:

(1) Where any person dies intestate as to his personal estate, or any part thereof, the surplus after payment of funeral expenses, charges of administration and debts, shall pass and be distributed among the same persons, and in the same proportions, to whom and in which real estate is directed to descend, except as follows:

(a) The personal estate of an infant shall be distributed as if he had died after full age.

(b) An alien may be a distributee as though he were a citizen.

(c) Personal property or money on hand or in bank to the amount of $1500 shall be exempt from distribution and sale and shall be set apart by the *county court having jurisdiction over the estate on application* [appraisers of the estate of an intestate] to his widow and infant children, or, if there is no widow, to his infant children surviving him. *A like amount of $1500 of property or cash shall be exempt from distribution and sale and shall be set apart on application to the surviving infant children of a widow who dies intestate.*

(2) The widow of any deceased person may, at any time before *the property or money is set apart by the court* [the appraisers and the administrator of his estate are appointed], procure on petition from the judge of the county court having jurisdiction over the administration of his estate, an order authorizing her to withdraw from any bank or other depository [or depositories] not exceeding $500 belonging to the estate of the deceased. Upon presentation of the order, the bank or depository shall permit her to withdraw the sum and shall lodge the order, endorsing thereon the amount withdrawn, with the clerk of the county court, and he shall *retain it in his files to be considered in connection with further proceedings in the estate and the withdrawal shall be treated* [deliver it to the appraisers when they are appointed, who shall treat the same] as a charge against the property of the estate exempt from distribution. [A like amount of $1500 of property or cash shall be exempt from distribution and sale and shall be set apart by the appraisers to the surviving infant children of a widow who dies intestate.]

(3) In her application for the setting apart of property or money under this section the widow may make her selection out of the property of the estate to the extent that the value of the property selected does not exceed the amount of $1500. [(2) The appraisers shall state in their appraisement the money or the articles and value of each, set apart by them to the widow or infants, separately from the articles appraised for sale. If the widow or anyone authorized by her in writing is present at the time of appraisement, she may make her selection out of the property appraised to the amount of $1500 and the appraisers shall so report.]

(4) [(3)] This section applies to cases where the husband dies testate and the widow renounces the provisions of the will as provided by KRS 392.080.

Section 2. Subsection (2) of KRS 64.310 and KRS 395.180 are repealed.

SB 148, AN ACT relating to the age of majority.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. KRS 2.015 is amended to read:

Persons of the age of eighteen years are of the age of majority for all purposes in this Commonwealth except for the purchase of alcoholic beverages and for purposes of care and treatment of handicapped children, for which twenty-one years is the age of majority[.], *all other statutes to the contrary notwithstanding.*

Section 2. KRS 68.090 is amended to read:

(1) For county purposes the fiscal court of each county may levy a poll tax on each male resident of the county who is of the age of *eighteen* [twenty-one] years or over and is not exempt under KRS 142.020, and shall levy an ad valorem tax on all property subject to county taxation. This section does not authorize the fiscal court to levy a tax to pay any railroad bonded indebtedness or any interest thereon. The poll tax shall not exceed one dol-

lar and fifty cents on each person taxed, and the ad valorem tax shall not exceed fifty cents on each one hundred dollars' worth of property taxed; except that, if an additional tax is required to pay the principal or interest on indebtedness of the county or a taxing district therein incurred prior to the adoption of the Constitution, the fiscal court may levy such additional tax as is authorized by law in force prior to the adoption of the Constitution.

(2) It is further provided that in any county which has under the law now in force established itself as a tubercular district the fiscal court shall levy a tax sufficient to maintain a tubercular institution and to provide for the salaries of the medical staff thereof and any other necessary expenses incident thereto taking into consideration any federal, state, or private financial assistance which may be given to such institution or which by existing law or that hereafter enacted such institution may be entitled to receive. Such levy shall be an ad valorem tax on all property subject to county taxation and shall not exceed ten cents on each one hundred dollars' worth of property so taxed and such ten cents shall be an additional tax to the fifty cents ad valorem tax limitation hereinabove provided for.

Section 3. KRS 199.470 is amended to read:

(1) Any [adult] person who is *eighteen years of age and who is* a resident of this state or who has resided in this state for twelve months next before filing, may file a petition for leave to adopt a child in the circuit court of the county in which the petitioner resides.

(2) If the petitioner is married, the husband or wife must join in a petition for leave to adopt a child unless the petitioner is married to a natural parent of the child to be adopted, except that if the court finds the requirement of a joint petition would serve to deny the child a suitable home, such requirement may be waived.

(3) No petition for the adoption of any child under the age of sixteen shall be filed until after the child has lived continuously in the home of the petitioner for at least three months immediately prior to the filing of the petition.

(4) No petition for adoption shall be filed unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a licensed child-placing institution or agency or by the department, or the child has been placed with written approval of the commissioner; but no such approval shall be necessary in the case of:

(a) A child sought to be adopted by a stepparent, grandparent, sister, brother, aunt or uncle;

(b) A child received by the proposed adopting parent or parents from an agency without this state with the written consent of the commissioner.

(5) Subsection (4) of this section shall not apply to those children placed for adoption prior to June 14, 1962.

Section 4. KRS 203.020 is amended to read:

(1) The staff of a state mental hospital or of an institution for mentally defective persons may admit for diagnosis, care and treatment any person who is mentally ill or has symptoms of mental illness, or who is mentally retarded or has symptoms of mental retardation, and who, being *eighteen* [twenty-one] **years** of age or over, applies therefor, and any person under *eighteen* [twenty-one] years of age who is mentally ill or has symptoms of mental illness, or mental retardation, if his parent or guardian applies therefor in his behalf. The application shall be signed by the applicant in the presence of two witnesses.

(2) The staff of a state mental hospital may discharge any voluntary patient who has recovered or whose hospitalization they determine to be no longer advisable. They may also discharge any voluntary patient if to do so would, in their judgment, contribute to the most effective use of the hospital in the care and treatment of the mentally ill or mentally defective.

(3) A voluntary patient who requests his release or whose release is requested, in writing, by his guardian, parent, spouse or [adult] relative *who is eighteen years of age or over* shall be released within five days from and receipt of such request, except as hereinafter provided in this section. If the patient was admitted on his own application and the request for release is made

by a person other than the patient, release shall be conditioned upon the agreement of the patient thereto. If the patient, by reason of his age, was admitted on application of his parent or guardian, his release, prior to attaining the age of *eighteen* [twenty-one] years, shall be conditioned upon the consent of such parent or guardian.

(4) If the hospital staff believes that the patient is dangerous to himself or to others or would be benefited by further care and treatment in a hospital, it may, within five days after the receipt of the request for release, file in the proper court a certificate signed by two staff physicians stating that the patient is mentally ill or mentally defective and recommending his commitment. The court shall follow the procedure it usually follows when such a certificate is filed. After such certificate is filed, the hospital may continue to hold the patient beyond the expiration of the five-day period referred to in this section until notified by the court that the hearing has been held and the person has been found to be mentally well.

Section 5. KRS 271.025 is amended to read:

Any natural person of the age of *eighteen* [twenty-one] years or more, or any corporation, may form a corporation for any lawful purpose, and may own and hold all or any number of the shares of stock of any corporation organized under the provisions of KRS Chapter 271.

Section 6. KRS 337.010 is amended to read:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means Commissioner of Labor; and

(b) "Department" means Department of Labor.

(2) KRS 337.050 and 337.060 shall not apply to employers and employes subject to the provisions of the Federal Railway Labor Act, the Federal Safety Appliance Act, the Federal Railroad Mediation Act, the Interstate Commerce Commission or the Kentucky Public Service Commission, nor to hospitals or charitable institutions, nor to employes of the state or United States or political subdivisions of either, nor to farming or work performed

in homes, residences, restaurants, hotels and apartment houses such as cleaning, waiting on tables, washing dishes, cooking, answering calls of guests and waiting upon them and general house, restaurant or hotel work and outside salesmen.

(3) As used in KRS 337.210 to 337.360 unless the context requires otherwise:

(a) "Fair wage" means a wage fairly and reasonably commensurate with the value of the service or class of service rendered;

(b) "Minor" means a person of either sex under the age of *eighteen* [twenty-one] years;

(c) "Occupation" means an industry, trade, or business or branch thereof or class of work therein in which employes are gainfully employed, but does not include domestic service in the home of the employer or labor on a farm;

(d) "Oppressive and unreasonable wage" means a wage that is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health; and

(e) "Woman" means a female of *eighteen* [twenty-one] years or over;

(f) "Employer" is any person who employs an employe and includes any person acting directly or indirectly in the interest of an employer in relation to an employe; and

(g) "Employe" is any person employed by or suffered or permitted to work for an employer.

(4) KRS 337.210 to 337.360 shall not apply to any person subject to regulation by the Public Service Commission.

(5) As used in KRS 337.510 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than five hundred dollars;

(b) "Contractor" and "Subcontractor" include any superin-

tendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) "Locality" means the county where the physical work upon public works is performed, except if there is not available in the locality a sufficient number of competent skilled laborers, workmen, mechanics, helpers, assistants and apprentices to efficiently and properly construct the public works, "locality" shall include any other locality nearest the one in which the work of construction is to be performed and from which such available skilled laborers, workmen, mechanics, helpers, assistants and apprentices may be obtained in sufficient numbers to perform the work. "Locality" with respect to contracts with the Department of Highways of this state may, in the discretion of the Commissioner of Highways, be construed to include two or more adjacent counties from which laborers, workmen, mechanics, helpers, assistants and apprentices may be reasonably accessible for work on such construction;

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, authorized by law to enter into any contract for the construction of public works; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or works constructed under contract with this state, or any department or agency thereof, or political subdivision in the state.

(6) KRS 337.510 to 337.550 shall not apply to the construction of public works in any case where the Federal Government or any of its agencies furnishes by loans or grants any part of the funds used in constructing such improvements, if the Federal Government or its agencies prescribe predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvement.

Section 7. KRS 337.370 is amended to read:

No female under *eighteen* [twenty-one] years of age shall be permitted to work at any gainful occupation, except domestic service and nursing, more than sixty hours in any one week, nor more than ten hours in any one day.

Section 8. KRS 387.010 is amended to read:

As used in this chapter, unless the context requires otherwise [,]:

(1) "Person of unsound mind" means an idiot, lunatic, one who from confirmed bodily infirmity is unable to make known to others by speech, sign, or otherwise his thoughts or desires, and by reason thereof is incompetent to manage his estate, or one whose mind because of an infirmity or old age has become so imbecile or unsound as to render him incompetent to manage his estate.

(2) "Infant" or "minor" means any person who has not reached the age of eighteen.

Section 9. KRS 391.020 is amended to read:

(1) When a person dies intestate and without issue, owning real estate of inheritance which is the gift of either of his parents, the parent who made the gift, if living, shall inherit the whole of such estate.

(2) If a person *under the age of eighteen* [an infant] dies without issue, having the title to real estate derived by gift, devise or descent from one of his parents, the whole shall descend to that parent and that parent's kindred, and if there is none, then in like manner to the other parent and his kindred. The kindred of one parent shall not be so excluded by the kindred of the other parent, if the latter is more remote than the grandfather, grandmother, uncles and aunts of the intestate and their descendants.

Section 10. KRS 395.005 is amended to read:

Any resident of the State of Kentucky, including married women, over *eighteen* [twenty-one] years of age, and any national bank located in Kentucky having fiduciary powers and

any state bank or trust company incorporated under the laws of the State of Kentucky and authorized by law to act as such therein may be appointed as fiduciary.

Section 11. KRS 395.080 is amended to read:

If all the persons nominated as executors are under the age of *eighteen* [twenty-one] at the time of probating the will, or those who are of age fail to qualify, administration with the will annexed may be granted during such minority. But if a testator, by his will, so directs, then such infant executor may qualify and give bond as an adult.

Section 12. KRS 401.010 is amended to read:

Any person at least *eighteen* [twenty-one] years of age, who is not a married woman, may have his name changed by the county court of the county in which he resides. If he resides on a United States army post, military reservation or fort his name may be changed by the county court of any county adjacent thereto.

Section 13. KRS 401.020 is amended to read:

The father, or if he is dead or has abandoned his [infant] child *who is under the age of eighteen,* the mother and guardian, or if no mother is living, the guardian alone, may have the name *of a child under the age of eighteen* [an infant child] changed by the county court of the county in which the child resides. If the child resides on a United States army post, military reservation or fort his name may be changed by the county court of any county adjacent thereto.

Section 14. KRS 402.080 is amended to read:

(1) No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is *eighteen years of age or over* [of full age] or a widow, and the license is issued on her application in person or by writing signed by her, in which case it may be issued by any county clerk.

(2) No county clerk shall issue a marriage license until the

application for a marriage license remains on file, open to the public, in the office of the county court clerk, for three days before license is issued.

Section 15. KRS 402.210 is amended to read:

If either of the parties is under *eighteen* [twenty-one] years of age and not before married, no license shall issue without the consent of his or her father or guardian, or if there is none or he is absent from the state, without the consent of his or her mother, personally given or certified in writing to the clerk over the signature of the father, guardian or mother, attested by two subscribing witnesses and proved by the oath of one of the witnesses, administered by the clerk. If the parties are personally unknown to the clerk, a license shall not issue until bond, with good surety, in the penalty of one hundred dollars is given to the Commonwealth, with condition that there is no lawful cause to obstruct the marriage.

Section 16. KRS 402.260 is amended to read:

If any female under sixteen years of age marries without the consent of her father or guardian, or of her mother if there is no father or guardian or he is absent from the state, the court having general equity jurisdiction in the county of her residence shall, on the petition of a next friend, commit her estate to a receiver, who, upon giving bond, shall hold her estate and, after deducting a reasonable compensation for his services pay out the rents and profits to her separate use during her infancy, under the direction of the court. When the wife arrives at the age of *eighteen* [twenty-one] the receiver shall deliver her estate to her, unless the court considers it for her benefit to continue it in the hands of the receiver.

Section 17. KRS 403.070 is amended to read:

Pending an application for divorce, or on final judgment, the court may make orders for the care, custody and maintenance of the [minor] children of the parties *under the age of eighteen* and any of their children of unsound mind. At any time afterward, upon the petition of either parent, the court may revise any of its orders as to the children, having principally in

view in all such cases the interest and welfare of the children. No such order for maintenance of children shall divest either party of the fee simple title to real estate.

Section 18. KRS 405.010 is amended to read:

The father and mother of a [minor] child *under the age of eighteen* are equally entitled to its services and earnings. If one of the parents is dead, or has abandoned the child, or been deprived of its custody by court decree, the other is entitled to its services and earnings. The parents jointly may maintain an action for loss of services or earnings of their [minor] child *under the age of eighteen* when the loss is occasioned by an injury wrongfully or negligently inflicted upon the child. But if either the father or mother is dead, or has abandoned the child, or has been deprived of its custody by court decree, or refuses to sue, the other may sue alone. This section shall not affect the existing law relating to workmen's compensation and industrial accidents.

Section 19. KRS 405.020 is amended to read:

(1) The father and mother shall have the joint custody, nurture and education of their [minor] children *who are under the age of eighteen.* If either of the parents dies, the survivor, if suited to the trust, shall have the custody, nurture and education of the [minor] children *who are under age of eighteen.* The father shall be primarily liable for the nurture and education of his [minor] children *who are under the age of eighteen.*

(2) The father and mother shall have the joint custody, care and support of their [adult] children *who have reached the age of eighteen and* who are wholly dependent because of permanent physical or mental disability. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, care and support of such children. The father shall be primarily liable for the custody, care and support of wholly dependent [adult] children *who have reached the age of eighteen.*

Section 20. KRS 405.080 is amended to read:

Any [adult] person *who is eighteen years of age or over,* residing in this state and having in this state a parent who is

destitute of means of subsistence and unable because of old age, infirmity or illness to support himself or herself, shall, after reasonable notice, provide that parent with necessary shelter, food, care and clothing, if he has, or is able to earn, sufficient means to do so.

Section 21. KRS 411.150 is amended to read:

The widow and [minor] child, *under the age of eighteen* or either of them, of a person killed by the careless, wanton or malicious use of a deadly weapon, not in self-defense, may have an action against the person who committed the killing and all others aiding or promoting, or any one or more of them. In such actions the jury may give vindictive damages.

Section 22. KRS 423.010 is amended to read:

The Secretary of State may appoint as many notaries public as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the circuit judge, circuit clerk, county judge, county clerk, justice of the peace or a member of the General Assembly of the county of the resident of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be *eighteen* [twenty-one] years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State, in his certificate of appointment to the applicant, must designate the limits within which the notary is to act. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the

Governor of Kentucky, and receive the same fee for the certificate that he now receives for attesting the commission issued by the Governor.

SB 163, AN ACT relating to contracts and separate estate of married women.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. Section 404.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married women may acquire and hold property, real and personal, by gift, devise or descent, or by purchase, and may, in her own name, as if she were unmarried, sell and dispose of her personal property. She may make contracts, and sue and be sued, as a single woman, *except that she may not sue in tort for damages arising from injuries, other than those willfully inflicted, sustained by her caused by the negligence of her husband, or be sued in tort for damages arising from injuries, other than those willfully inflicted, sustained by her husband caused by her negligence. She* [but] may not make any executory contract to sell or convey or mortgage her real estate, unless her husband joins in the contract. She may not rent out her real estate, and collect, receive and recover in her own name the rents thereof, and make contracts for the improvement thereof.

(2) A gift, transfer or assignment of personal property between husband and wife shall not be valid as to third persons, unless it is in writing, and acknowledged and recorded as chattel mortgages are required to be acknowledged and recorded; but the recording of any such writing shall not make valid any such gift, transfer or assignment that is fraudulent or voidable as to creditors or purchasers.

Section 2. Section 404.060 of the Kentucky Revised Statutes os amended to read as follows:

(1) A married woman may sue, and be sued, as a single woman[.], *except that she may not sue in tort for injuries or damages sustained by her caused by the negligence of her hus-*

band, or be sued, in tort for injuries or damages sustained by her husband caused by her negligence.

(2) She may defend an action against her and her husband for herself, and for him also if he fail to defend.

(3) If a husband desert his wife, she may bring or defend for him any action which he might bring or defend, and shall have the powers and rights with reference thereto which he would have had but for such desertion.

(4) If a female party to an action marry, her husband may be made a party by a motion, causing the fact to be stated upon the record; and the action shall not be delayed by reason of the marriage.

(5) But if a wife be of unsound mind, or imprisoned, the actions mentioned in subsection (1), (2) and (3), of this section must be prosecuted or defended by her committee or curator, if she have one, and if she have none, must be prosecuted by her next friend, or defended by her guardian ad litem.

The Committee on Judiciary reported **HB 174** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **HB 319, HB 426, HB 430,** and **HB 455** without expression of opinion.

The Committee on State Government reported **SB 122** with Committee Amendment attached thereto, **SB 177, SB 176, HR 79, HR 85, HB 498, HB 529, HB 528, HB 497, HB 154** and **HB 448** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 122, AN ACT to revise and correct the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS Supp. (1966) 6.380 is amended to read:

The committee may direct the legislative auditor to:

(1) Perform an audit of any accounts, books and other

financial records of the state government, or *of any* [an] officer, [of the state, every] department, board, bureau, institution, commission, agency, or other unit, *of the state* and prepare a written report of the audit for presentation to the committee;

(2) Examine and audit any fiscal books, records and accounts of custodians of public funds, and of disbursing officers of the state, making independent verification of all assets, liabilities, revenues and expenditures of the state and agencies of the state;

(3) Perform audit of any agency, private or semi-private agency or organization receiving state funds; [except as provided in Section 19 of this Act;*]

(4) Require the assistance of any executives and officials, auditors, account*ants*, and other employes of any agency at any time in the inspection, examination and audit of books, accounts and records.

Section 2. KRS 12.230 is amended to read:

KRS 15.020 shall remain in full force and effect, except to the extent the same *is* [may be] in conflict with KRS 12.200 to 12.220 [.All other laws and parts of laws in conflict with KRS 12.200 to 12.220, to the extent of such conflict, are hereby repealed. Provided, however, that] *and* except to the extent *therein* provided [in KRS 12.200 to 12.220,] nothing in those sections shall be construed, nor is the same intended to affect the tenure or compensation of any Assistant Attorney General [now or hereafter] appointed and serving pursuant to law. [provided, further, that] The Governor or any department may require the advice or services of the Attorney General and the Assistant Attorneys General in matters relating to the duties or functions of any such office or department.

Section 3. KRS 16.140 is amended to read:

(1) With the exceptions hereinafter specified, no officer of the department shall be removed, suspended, reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of any rule or regulation promulgated by the commissioner. Any person may prefer

charges in writing against any officer, which must be filed in the office of the commissioner. *The* [said] charges must be signed by the person making the same, and must set out with clarity and distinction each and every charge. [It shall be the duty of] *T*he commissioner, whenever probable cause appears, *shall* [to] prefer charges against any officer whom he believes to have been guilty of conduct justifying his removal or punishment, in the interest of public order. Within five days after the filing of [such] charges, the commissioner shall deliver a copy thereof, either personally or by registered mail, to the officer offending. Within five days after the receipt thereof, *the* [such] officer may demand public hearing, or may admit the truth of the charges in whole or in part. If *the* [said] officer admits the truthfulness of *the* [said] charges, [it shall be the duty of] the commissioner *shall* [to] remove, suspend, reduce in rank or pay the officer so offending, in proportion to the seriousness of the charges.

(2) *If the* [In the event said] charges are denied and the officer demands a hearing within the time above specified, he must make *his* [such] demand known to the commissioner in writing. After [the] demand for hearing has been [so] made, the commissioner [shall] within twenty days from the date thereof, *shall* arrange for a public hearing before a trial board to be constituted in the manner hereinafter provided. The officer defendant shall be given not less than five days' notice of the time, place and hour of *the* [such] hearing.

(3) Upon the hearing, all charges shall be considered traversed and put in issue, and the trial shall be confined and limited to the issues [so] presented by the written charges. The trial board hearing *the* [said] charges *may* [shall have the power to] summon and compel the attendance of witnesses at all hearings or sittings, by subpoena issued by the commissioner and served upon any witness by any sheriff or other person authorized by law to serve process. If any person fails to comply with any lawful order of the department or with process, or if any witness refuses to testify concerning any matter in which he may lawfully be interrogated, any circuit court judge, upon application of the trial board, or the commissioner, may compel obedience by proceedings for contempt as in the case of

disobedience of a subpoena issued from the circuit court or a refusal to testify therein.

(4) The officer defendant shall have the right to subpoena in his behalf any [witness or] witnesses he may desire, upon furnishing their names to the trial board or to the commissioner. *The* [Such] officer shall likewise have the right to appear in person and by counsel.

(5) All [such] charges against the officer defendant, together with all proceedings before the trial board, shall be transcribed and reduced to writing and a permanent record kept thereof.

(6) In any instance where the commissioner has probable cause to believe that an officer has been guilty of conduct justifying his removal or punishment, he *may* [is authorized to] immediately suspend *the* [such] officer from duty, or from both pay and duty, pending trial, and *the* [such] officer shall not be again placed on duty or allowed pay thereafter until a determination of the charges under this section.

(7) The trial board, after hearing *the* [such] charges, shall fix the punishment of any officer found guilty of any one or more charges, by reprimand or suspension for any length of time not to exceed six months, or by reducing the grade if *the* [such] officer's classification warrants same, or by combining any two or more of *the* [said] punishments, or by reducing the monthly salary of *the* [such] officer by not more than twenty percent for not more than six months, or by removing or dismissing from the service of the department any officer so found guilty.

(8) For the purpose of hearing charges against any officer, as hereinabove set forth, there is [hereby] created [what shall be known as] a trial board; *which shall* [said board to] consist of the commissioner and of a panel of ten officers of the department [to be] appointed by the commissioner. The commissioner shall designate from *the* [such] panel not less than three nor more than seven members thereof to hear charges against any officer, in the manner and under the procedure above set forth. The commissioner *may* [is authorized to] promulgate reasonable rules and regulations governing the procedure before *the*

[said] trial board, *which do not* [provided the same are not in] conflict with [the provisions of] this section. *The* [Said] panel or trial board shall be a continuing body, and the officers [so] designated shall serve thereon in addition to their other duties and without any increase in compensation, except they may be reimbursed for meals, lodging and traveling expenses incurred while in the performance of their official duties as members of the board. Any officer defendant may for cause challenge the right of any member, [or members,] of the board in the trial of any action against him, and if the remaining members of *the* [said] board find that *the* [such] challenge is justifiable, *the* [said] member, [or members,] of the board shall be excused from hearing *the* [said] charges, and another member, [or members,] substituted in lieu thereof.

(9) No officer *is* [shall be] entitled to a hearing as provided in this section, unless his suspension is for more than twenty days, or his pay reduced more than ten percent; [provided, if such] *but if the* officer receives more than twenty days suspension or reduction in salary of more than ten percent within a period of one year, he shall have the right to such hearing in the manner above provided.

(10) Any civilian employe may be discharged, suspended or reduced in pay at any time [or times] by the commissioner, *pursuant to KRS Ch. 18.* [and such civilian employes shall hold office at the pleasure of the commissioner.]

(11) Any officer appointed to the department shall be considered on probation for a period of one year from and after the date of his appointment, and during *that* [such] period may be discharged or suspended or reduced in rank or pay, with or without cause, by *the* [said] commissioner. The rights [herein] conferred upon an officer for a hearing, as provided in this section, shall not accrue until such officer has been employed by the department for a period of one year or more.

Section 4. KRS 16.515 is amended to read:

[Beginning on July 1, 1958:]

(1) Members of the system established by KRS 16.505

to 16.645 [shall] have no [further] right to participate in the Kentucky Employes Retirement System;

(2) The Kentucky Employes Retirement System *has* [shall have] no liability for any benefits to members of this system;

(3) No contributions to Kentucky Employes Retirement System shall be made with respect to [subsequent] payrolls, by or in behalf of members of this system;

[(4) As soon as practicable, but within three months of July 1, 1958, the Board of Trustees of the Kentucky Employes Retirement System will establish a separate fund for the system created by KRS 16.505 to 16.645 and will pay to the State Police Retirement System one hundred percent of the amount of accumulated contributions of members whose membership therein is terminated by KRS 16.505 to 16.645, and ninety-eight percent of the amount of contributions of the Department of Public Safety, with respect to such former members.]

Section 5. KRS 21.055 is amended to read:

[(1)] A judgment may be reversed or modified by the Court of Appeals for errors appearing in the record.

[(2) The proceedings to obtain such reversal or modification shall be by appeal prosecuted as prescribed by law.]

Section 6. KRS 21.460 is amended to read:

If any member of the system ceases, other than by death or by disability retirement under KRS 21.410, to hold an office qualifying him for membership in the system established by KRS 21.350 to 21.480, without having completed eight years of service, he shall be refunded on demand the amount of his accumulated contributions including, in the case of a circuit judge, contributions made by him under *the former KRS 23.350* [KRS 23.310] before he became a member of the system established by KRS 21.350 to 21.510. If thereafter he becomes again the holder of an office qualifying him for membership in the system, he shall not be entitled to credit for his prior period of service unless at the time of his election to again participate in the system he repays to the system the amount that was refunded to him.

Section 7. KRS 23.040 is amended to read:

The State is divided into [forty-six] circuit court districts, each to be composed of the following counties:

(1) **First District.** Ballard, Carlisle, Fulton, Graves and Hickman.

(2) **Second District.** McCracken.

(3) **Third District.** Christian, Lyon and Trigg.

(4) **Fourth District.** Caldwell, Crittenden and Hopkins.

(5) **Fifth District.** Henderson, Union and Webster.

(6) **Sixth District.** Daviess.

(7) **Seventh District.** Logan and Todd.

(8) **Eighth District.** Warren.

(9) **Ninth District.** Hardin.

(10) **Tenth District.** Bullitt, Hart, Larue and Nelson.

(11) **Eleventh District.** Green, Marion, Taylor and Washington.

(12) **Twelfth District.** Anderson, Henry, Oldham, Shelby, Spencer and Trimble.

(13) **Thirteenth District.** Boyle, Garrard, Lincoln and Mercer.

(14) **Fourteenth District.** Bourbon, Scott and Woodford.

(15) **Fifteenth District.** Boone, Carroll, Gallatin, Grant and Owen.

(16) **Sixteenth District.** Kenton.

(17) Seventeenth District. Campbell.

(18) **Eighteenth District.** Harrison, Nicholas, Pendleton and Robertson.

(19) **Nineteenth District.** Bracken, Fleming and Mason.

(20) **Twentieth District.** Greenup and Lewis.

(21) **Twenty-first District.** Bath, Menifee, Montgomery and Rowan.

(22) **Twenty-second District.** Fayette.

(23) **Twenty-third District.** Estill, Lee and Owsley.

(24) **Twenty-fourth District.** Lawrence, Johnson and Martin.

(25) **Twenty-fifth District.** Clark, Jessamine and Madison.

(26) **Twenty-sixth District.** Harlan.

(27) **Twenty-seventh District.** Knox and Laurel.

(28) **Twenty-eighth District.** Pulaski and Rockcastle.

(29) **Twenty-ninth District.** Adair, Casey, Cumberland and Monroe.

(30) **Thirtieth District.** Jefferson.

(31) **Thirty-first District.** Floyd.

(32) **Thirty-second District.** Boyd.

(33) **Thirty-third District.** Perry.

(34) **Thirty-fourth District.** Whitley and McCreary.

(35) **Thirty-fifth District.** Pike.

(36) **Thirty-sixth District.** Magoffin and Knott.

(37) **Thirty-seventh District.** Carter, Elliott and Morgan.

(38) **Thirty-eighth District.** Butler, Edmonson, Ohio and Hancock.

(39) **Thirty-ninth District.** Breathitt, Wolfe and Powell.

(40) **Fortieth District.** Clinton, Russell and Wayne.

(41) **Forty-first District.** Clay, Jackson and Leslie.

(42) **Forty-second District.** Calloway, Livingston and Marshall.

(43) **Forty-second District.** Barren and Metcalfe.

(44) **Forty-fourth District.** Bell.

(45) **Forty-fifth District.** Muhlenberg and McLean.

(46) **Forty-sixth District.** Breckinridge, Grayson and Meade.

(47) **Forty-seventh District.** Letcher.

(48) **Forty-eighth District.** Franklin.

(49) **Forty-ninth District.** Allen and Simpson.

Section 8. KRS 25.015 is amended to read:

A summons, order for a provisional remedy and other process, from quarterly courts or county courts, shall be directed to the sheriff, coroner or a constable, at the option of the plaintiff; *except as provided in KRS 26.340 and 26.350,* those from police, city and mayors' courts shall be directed to the marshal or a constable; and those from courts of justices of the peace shall be directed to a constable [;] or to a special agent appointed by the justice, by an indorsement on the process, upon an affidavit of the plaintiff or his agent being filed before the justice, to the effect that the process can not be executed, according to the belief of the affiant, unless *the* [such] special agent *is* [be] appointed; but such process may be served by any officer or person who is authorized by law to serve a summons.

Section 9. KRS 25.020 is amended to read:

The duties and powers enjoined and conferred by *law* [this Code] upon clerks shall devolve on the judges or justices who are by law required to act as clerks of their court.

Section 10. KRS Supp. (1966) 25.280 is amended to read:

The judge of the county court, in each county of this Commonwealth wherein the fiscal court may authorize, *may* [is hereby authorized to] appoint a trial commissioner or commissioners who shall hold office at the pleasure of the judge, and shall discharge such judicial duties as *are* [may be] assigned to him by the judge. The commissioner shall report his actions to the judge for the approval or disapproval of the judge. The commissioner, when authorized by an order of the county court, duly entered of record, may issue search warrants and warrants for arrest when such warrants are authorized by law. The commissioner must possess the qualifications of a judge of the county

court. He shall receive a salary [to be] fixed by the fiscal court of the county, [which salary shall not exceed fifty dollars per annum, except in counties containing a population of two hundred thousand or more and in counties containing a city of the second class, in which counties, by reason of the increased duties of the county judge resulting from the amount of population, the fiscal court may fix the salary of the commissioner]. The salary of the commissioner shall be paid in the same way as the county judge is paid.

Section 11. A new section of KRS is created to read:

KRS 25.015, 25.020 and 25.035 to 25.070 apply to police courts having civil jurisdiction.

Section 12. KRS 26.300 is amended to read:

(1) In cities of the first class, the practice in the police court in cases arising under city ordinances shall be determined by ordinance, and the practice in cases growing out of the violation of statutes shall be the same as in justices' courts.

(2) In cities of the second, third and fourth classes, the practice in the police court shall be governed by the [Civil Code] *Rules of Civil Procedure, KRS 25.015, 25.020, 25.035 to 25.070,* and the Rules of Criminal Procedure.

(3) In cities of the fifth and sixth classes, the practice in the police courts shall be the same as in justices' courts.

Section 13. KRS Supp. (1966) 26.440 is amended to read:

In cases of drunkenness or disorderly conduct, the police courts in cities of the first and fourth classes may, in addition to imposing a fine, *and in cities of the first class, in addition to imposing imprisonment, or both fine and imprisonment,* require the offender to give bond in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any period not exceeding one year. If the offender fails to give bond or fails to pay the fine, he shall be immediately committed to the workhouse, station house or county jail and kept in custody until bond is given or the time for which it was required has expired, and until the fine is paid or satisfied by labor.

Section 14. KRS 27.085 is amended to read:

(1) The circuit judge in counties containing a city of the second class, having an assessed valuation of less than $100,000,000 and comprising a separate judicial district, may appoint a secretary to the master commissioner of the circuit court. The secretary shall be skilled in stenographic reporting and shall hold office for a period of four years, or until his successor is appointed and qualified, unless sooner removed at the pleasure of the circuit judge.

(2) The secretary, before entering upon the discharge of his duties, shall take an oath before the judge of the court for which he is appointed to faithfully discharge the duties of his office. The appointment of the secretary and the fact of his having qualified shall be entered upon the order book of the court.

(3) The secretary shall receive a salary [of not less than $1,200 nor more than $2,400 per annum,] to be fixed by the fiscal court and paid in monthly installments by the county.

(4) Upon any trial or proceeding before the master commissioner if either party request the services of the secretary, or if, in the opinion of the circuit judge or master commissioner, the testimony should be preserved, the judge or master commissioner shall direct the secretary to, and the secretary shall, take full stenographic notes of the proceedings. The secretary shall receive for making transcripts thirty cents per page for original copies and twelve and one-half cents for each duplicate thereof. The fee for making any transcript or duplicate shall be paid by the party upon whose motion the transcript or duplicate is made, *and shall* [such fees to] be taxed as part of the costs in the action.

(5) In [such] counties containing a city of the second class where the circuit court has more than one judge, the secretary to the master commissioner shall be appointed upon the concurrence of the judges.

Section 15. KRS 28.430 is amended to read:

(1) (a) Upon any trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the

presiding judge, the testimony should be preserved, the presiding judge shall direct the reporter to, and the reporter shall, take full stenographic notes of the proceedings.

(b) In counties having a population of 150,000 or more, the reporter of the criminal branch of the circuit court shall take down the proceedings in all cases, embracing preliminary motions, rulings of court, examination of jurors, testimony and arguments of counsel.

(2) In all criminal proceedings, upon the motion of either party the court shall order the reporter to make a full and accurate transcript and duplicate copy of his notes. The original shall be filed among the papers to be used in making up the *record on appeal* [bill of exceptions] to the Court of Appeals. The duplicate copy shall be filed with the papers, and remain in the office of the clerk of the court as a public record.

(3) In all civil actions the record of proceedings and the transcript of evidence shall be made up in accordance with the Rules of Civil Procedure.

Section 16. KRS 28.440 is amended to read:

(1) In counties having a population of 150,000 or more, the reporters of the criminal branch divisions of the circuit court shall [continue to] receive the salaries *which* [now fixed by law; provided, however, that such salaries] may be increased or decreased to the amount fixed by the presiding judges of said divisions by written recommendation to the fiscal court of the county *the* [which] recommendation shall become effective upon its approval by resolution of the fiscal court, but they shall receive no other compensation from the county or state for their services as reporters in *the* [said] divisions, except as hereinafter provided. They shall receive thirty cents per hundred words for making a transcript for a person other than the county or state. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county.

(2) In counties having a population of 150,000 or more, the fees of reporters serving in civil cases in any division of the circuit court shall be fixed by the presiding judge thereof at not more than ten dollars per day for taking stenographic reports, and thirty cents per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter *is* [shall] not [be] required to file any transcript without payment therefor by the party in whose behalf it is ordered, unless the presiding judge of the division directs him to file a transcript upon the motion of a party suing in forma pauperis.

(a) Reporters of the common pleas branch of the court shall [continue to] be paid [the] salaries [now provided by law] in addition to the fees above prescribed. [provided, however, that such] *The* salaries may be increased or decreased to the amount fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court.

(b) Reporters of the chancery branch of the court shall be paid salaries in addition to the fees above prescribed, [such salaries] to be fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court; *but the* [provided, however, that such] salaries may be increased or decreased in the same manner as provided for reporters of the common pleas branch of the court.

(3) For duplicate copies of transcripts, reporters in counties having a population of 150,000 or more shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

Section 17. KRS Supp. (1966) 29.135 is amended to read:

(1) At each term of circuit courts having terms, the judge shall, in open court, draw from the drum a sufficient number of names not to exceed sixty, to procure twelve persons to act as

grand jurors for the next term of court and to secure not less than twenty-four nor more than *thirty-six* [thirty-two] persons to act as petit jurors for the trial of civil and criminal cases at the next term; record the names upon paper, certify and sign it. On the day the persons [so] drawn to serve as jurors are summoned to attend, the roll shall be called by the clerk, and the names of those persons who attend and are not excused by the court shall be entered of record by the clerk, who shall then write the names of *the* [said] persons entered of record on identical separate slips of paper and deposit them in a box. After all of *the* [said] slips have been deposited in *the* [said] box and well mixed, the clerk of the court shall draw the names of twelve [of said] persons from the [said] box and the persons so drawn shall thereafter constitute the grand jury and no member may be replaced except as provided by KRS 29.215. Thereafter the court shall draw from the box, in open court, a sufficient number of names, not less than twenty-four nor more than thirty-six, to act as petit jurors for the trial of civil and criminal cases. Sessions of court having continuous sessions held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held, shall be deemed terms of the court within the meaning of this section.

(2) In courts of continuous session, except the court in counties containing a city of the first class, the judge of the court, or if the court has branches, the judge of the criminal branches shall, in open court, on a day at least two weeks next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names, not to exceed seventy-two, to procure twelve persons to act as grand jurors and not less than twenty-four, nor more than *thirty-six* [thirty-two], persons to act as petit jurors for the trial of civil and criminal cases, and shall make a written record thereof which he shall certify and sign. On the day the persons [so] drawn to serve as jurors are summoned to attend, the roll shall be called by the clerk, and the names of those persons who attend and are not excused by the court shall be entered of record by the clerk, who shall then write the names of *the* [said] persons entered of record on identical separate slips of paper and deposit them in a box. After all of *the* [said] slips have been deposited

in *the* [said] box and well mixed, the clerk of the court shall draw the names of twelve of *the* [said] persons from *the* [said] box and the persons [so] drawn shall thereafter constitute the grand jury and no member may be replaced except as provided by KRS 29.215. Thereafter the court shall draw from the box, in open court, a sufficient number of names, not less than twenty-four nor more than thirty-six, to act as petit jurors for the trial of civil and criminal cases. In the civil branch of such court, the provisions of this subsection shall apply except that the court shall not draw in excess of sixty names of persons to act as petit jurors if there is a separate criminal branch.

(3) In circuit courts of counties containing a city of the first class, the judge of the criminal branch shall, on a day at least two weeks next before the day upon which they *are* [shall be] summoned to appear, draw from the drum a sufficient number of names in the discretion of the court, not to exceed seventy-two, to procure twelve persons to act as grand jurors and not less than twenty-four, nor more than thirty-two, persons to act as petit jurors, and shall make a written record thereof, which he shall certify and sign. In the civil branches of such courts, the provisions of this subsection shall apply, except that the judge of each civil division requiring the services of a petit jury shall not draw more than sixty persons to act as petit jurors.

(4) If the criminal branch of *the* [said] court contains more than one division, then the judges of the respective criminal divisions shall, insofar as possible, alternate by the month, in drawing and impaneling the grand jury.

(5) If, in the opinion of the judge, because of the particular nature or notoriety of a pending case, or for other reasons, it is deemed advisable by the court to have more jurors available at a particular time, the court may, by order entered of record, provide for the summoning of as many more qualified persons to act as petit jurors as the court [may] deems necessary to secure a petit jury for the trial of such action or actions.

(6) The court may, if a surplus number of jurors appears on the date when summoned, excuse any number of them in its discretion until such day as they may be ordered to report for jury service.

(7) A petit jury or petit jurors drawn by the judge of one branch or division of the court may be used by the judge of another branch or division of the court.

(8) If the day on which the drawing of jurors is prescribed to be done is a holiday, the judge shall draw the names on the following day.

(9) The judge shall not destroy the slips drawn from the drum until the persons who are to serve as jurors have been selected. The slips containing the names of those excused because of temporary disability shall be returned to the drum. The lists and slips shall be kept secret by the judge and the clerk until such time as the list is delivered to the sheriff as provided in KRS 29.175.

(10) Any departure from the procedure set out in any of the foregoing subsections shall create sufficient cause for challenge to the entire panel.

Section 18. KR Supp. (1966) 42.990 is repealed and reenacted to read:

Any officer, agent or employe of the Department of Finance who wilfully fails or refuses to comply with any of the provisions of KRS 42.160 *is* [shall be] subject to indictment in the Franklin Circuit Court and, upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars for each offense.

Section 19. KRS 43.030 is amended to read:

(1) The Auditor shall appoint for the duration of his own term, subject to removal by him at any time, one Assistant Auditor of Public Accounts, who shall be a certified public accountant and *who has* [shall have] been a citizen and resident of the state for at least two years. The Assistant Auditor shall have direct supervision over all technical work and technical assistants, and shall otherwise aid the Auditor in the performance of his duties. If the Auditor is absent or is rendered incapable of performing his duties, or if a vacancy in the office occurs, the Assistant Auditor shall perform the duties of Auditor until the necessity therefor ceases to exist. He shall take the constitutional oath.

(2) The Auditor may employ other subordinate personnel subject to the provisions of KRS 12.060. All [such] employes who are assigned any direct auditing or investigating responsibility (except for the secretary to the Auditor and for clerks classified under the classification and compensation plan now prescribed by the Department of Personnel at not above Grade 5 working under continuous on-the-job supervision) shall be graduates of four-year colleges or universities fully accredited by the University of Kentucky. Each employe shall have [had] at least 20 semester or 30 quarter-hours of accounting or, alternatively, shall be a certified public accountant. [It is hereby provided, however, that prior to January 1, 1960, not more than four, and thereafter] *Not* more than two, persons charged with the conduct of audits and investigations may substitute year-for-year responsible accounting experience acceptable to the Department of Personnel for the required college education and proportionately for the specified accounting. The Auditor *may not* [after December 31, 1957, shall not be authorized to] use the services of independent contractors in audit and investigation work.

(3) The Auditor and his sureties *are* [shall be] liable on his official bond for the acts of the Assistant Auditor and clerks.

(4) Nothing in this section shall be deemed to affect the provisions of KRS 11.090 or other legislation authorizing audits.

Section 20. KRS Supp. (1966) 45.990, is repealed and reenacted to read:

(1) Any officer, agent or employe of any budget unit who willfully fails or refuses to comply with any of the provisions of KRS 45.010 to 45.170, 45.190 to 45.300, 45.320 or 45.330, or who expends any money in violation of any of the provisions of those sections, shall be subject to indictment in the Franklin Circuit Court, and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars for each offense.

(2) If any person incurs, or orders or votes for the incurrence of, any obligations in violation of any of the provisions of subsection (3) of KRS 45.190, he and his sureties shall be jointly and severally liable therefor.

(3) Any violation of KRS 45.360 shall be punished by a fine of not more than five thousand dollars or by a prison sentence of not more than five years, or by both fine and imprisonment in the discretion of the jury.

(4) Any person who violates any of the provisions of KRS 45.460 shall be guilty of a felony and shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars, or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment. Any firm, corporation, or association which violates any of the provisions of KRS 45.460 shall, upon conviction, be fined not less than ten thousand dollars nor more than twenty thousand dollars.

(5) Any employe of the Division of Purchases, or any official of the Commonwealth of Kentucky, elective or appointive, who shall take, receive, or offer to take or receive, either directly or indirectly, any rebate, percentage of contract, money, or other things of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, for, or to, or from, any person, partnership, firm or corporation, offering, bidding for, or in open market seeking to make sales to the Commonwealth of Kentucky, shall be deemed guilty of a felony and upon conviction such person or persons shall be punished by a fine not to exceed five thousand dollars or by imprisonment in the penitentiary for not more than ten years, or both so fined and imprisoned in the discretion of the jury.

(6) Every person, firm, or corporation offering to make, or pay, or give, any rebate, percentage of contract, money or any other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, to any employe of the Division of Purchases or to any official of the Commonwealth, elective or appointive, in his efforts to bid for, or offer for sale, or to seek in the open market, shall be deemed guilty of a felony and shall be punished by a fine not to exceed five thousand dollars or by imprisonment in the penitentiary for not more than ten years, or both so fined and imprisoned in the discretion of the jury.

Section 21. KRS 56.460 is amended to read:

The Commission shall [have the power and duty to] trans-

fer to the department [the capital outlay appropriation referred to in section 5 of the 1949 ex. s., c. 11, and] any [subsequent] appropriation [made, or] which may be made to it, to be expended for the purpose of acquiring real estate and for building projects for any state agency, and for matching federal funds available under *42 U. S. C. Ch. 6A, Subch. IV (§291 et seq.)* [Public Law 725 (79th Congress, Chapter 958, Second Session)], or any other federal law [now existing or hereafter enacted] for the purchase, construction, improvement or repairing of property to be used for public purposes, whether owned by the Commonwealth or any agency thereof, or by any political subdivision or municipality, or by non-profit corporations or associations. All [such] expenditures shall be made in accordance with the provisions of this chapter.

Section 22. KRS 56.520 is amended to read:

(1) The commission *may* [is authorized and empowered to] issue and sell revenue or other authorized bonds, in carrying out the provisions of this chapter, in [such] denominations and [in such amount or] amounts, as *is* [may be] deemed to be for the best interest of the Commonwealth, for any of the following purposes:

(a) To acquire real estate;

(b) To pay all or any part of the expense or cost of or incidental to a building project;

(c) To defray the cost of plans, specifications, blue prints, architectural fees and other expenses authorized to be incurred under the terms of KRS Chapter 56.

(2) Any revenue bonds [so] issued shall bear interest at a rate not exceeding five percent per annum, payable semi-annually, and shall become due and payable not more than forty years from the date of issuance. The payment of the bonds, together with the interest thereon, may be secured by a pledge and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Neither the payment of any bond, nor the interest thereon issued under the authority of KRS Chapter 56, shall constitute an indebtedness of the Commonwealth of Kentucky, nor shall any

bond or interest thereon be payable out of any fund except [such] funds [as may be] derived from rentals or other revenues derived from the operation of the properties or from [such] revenues as *are* [may have been, or may be,] available for *the* [such] purpose [, or purposes,] by law.

(3) All bonds [which may be] issued by the commission under the provisions of KRS Chapter 56, shall be sold [as provided in KRS 42.070 and] after newspaper advertising conforming to the requirements of KRS Chapter 424.

(4) All competitive bids for the sale of [such] revenue bonds shall be opened and read publicly by the Commissioner of Finance or his representative at a designated place, day and hour, all of which shall be announced in the advertising made relative thereto.

(5) In the event the commission issues and sells bonds for a building project as authorized by KRS Chapter 56, insurance, including fire and windstorm, casualty, catastrophe, use and occupancy and such other insurance as the commission may deem advisable, shall be carried in connection with the building project, and it may so obligate and bind itself in a trust indenture securing the payment of *the* [such] bonds. Any [such] insurance shall be paid for out of funds available for the project.

(6) All money from the sale of bonds shall be deposited in the State Treasury and shall be credited to a special account to be designated as directed by the department, and no part thereof shall be withdrawn from the State Treasury except for the purposes authorized by KRS Chapter 56, together with the cost incidental to the issuing and selling of *the* [such] bonds and other expenses directly related thereto. The commission may provide in any trust indenture securing bonds for additional terms and conditions thereof, or for other restrictions not in conflict with KRS Chapter 56.

Section 23. KRS 57.300 is amended to read:

The following officers and libraries are entitled free of charge to copies of the Acts of the General Assembly, as they are published: Members of the General Assembly that passed the Acts, the Governor, the State Treasurer, Secretary of State,

Auditor of Public Accounts, judges and commissioners of the Court of Appeals, circuit judges, Commonwealth's attorneys, county attorneys, and county judges, one copy each; the Attorney-General, four copies; the Legislative Research Commission, for the use of the Senate, ten copies, and for the use of the House of Representatives, thirty copies; the State Law Library, six copies; the judge of each Federal court for Kentucky, one copy; the United States Court of Appeals at Cincinnati, one copy; the Supreme Court of the United States, three copies; the Secretary of State for the United States, two copies; the law library of each county, two copies; the Law Library of the University of Kentucky, three copies; the Law Library of the University of Louisville, two copies; the Library of Congress, seven copies; the Kentucky Historical Society, two copies; and each of the state *universities in Kentucky and Kentucky State College,* [colleges in Kentucky,] two copies.

Section 24. KRS 57.310 is amended to read:

The following officers and libraries are entitled free of charge to copies of the journals of each house of the General Assembly, as they are published: Each member of the General Assembly, one copy for the session in which he served; the law library of each county, one copy; the Governor and Secretary of State, one copy each; the State Law Library, six copies; the Legislative Research Commission, five copies for the use of the Senate and ten copies for the use of the House of Representatives; the Law Library of the University of Kentucky, the Law Library of the University of Louisville, the Library of Congress, the Kentucky Historical Society, and each of the State *universities in Kentucky and Kentucky State College,* [colleges in Kentucky,] two copies each.

Section 25. KRS 57.340 is amended to read:

On a certificate from any circuit judge that he does not have a copy of the latest revision of the statutes and annotations thereto, codes of practice and procedure, or compilation of administrative regulations, or that his copy has been lost, mutilated or torn, the state *law* librarian shall furnish to the circuit clerk for the use of the circuit judge a copy of the publication

needed and shall furnish from time to time supplements issued to these publications. The *law* librarian shall certify the cost of such books to the Department of Finance, which shall issue its warrant on the State Treasurer for the amount, payable out of funds appropriated for that purpose.

Section 26. KRS 61.410 is amended to read:

(1) It is [hereby] declared to be the policy of the General Assembly to extend the Federal Old-Age, Survivors and Disability Insurance coverage to all public employes regardless of whether such employes are occupying positions which are covered by a retirement system; *but* [provided, however, that] no employe occupying a position to which KRS 161.220 to 161.710 are applicable shall be held to fall within the class of persons sought to be affected by this statement of policy except for employes of the state *universities, Kentucky State College,* [colleges] and public junior colleges.

(2) It is also the policy of the General Assembly that the protection afforded public employes by membership in a retirement system or by the right to receive periodic benefits under [such] a retirement system will not be impaired as a result of any agreement made between the Commonwealth and the Secretary pursuant to KRS 61.410 to 61.500.

(3) The General Assembly [hereby] ratifies the extension of Federal Old-Age, Survivors and Disability Insurance coverage to public employes in positions covered by a retirement system prior to June 14, 1962, *if* [provided that] the procedures specified by *former KRS 61.430 (6)* [Kentucky Acts, 1956, Chapter 32, Section 3 (6)] were substantially followed.

Section 27. KRS 62.100 is amended to read:

(1) The surety shall give written notice to the principal requiring him, by a day named in the notice, to appear before the court in which the motion is filed.

(2) If the principal is within the state, the notice shall be not less than ten days, otherwise there shall be thirty days' notice to his attorney if he has one in the county where the bond is executed, and if none, there shall be thirty days' notice *pub-*

lished pursuant to KRS Ch. 424 [by advertisement posted at the door of the courthouse in the county in which he resides or last resided, or by publication in some newspaper printed in the county].

(3) The notice shall apprise the party of the object of the motion, whether for a new bond with other surety to effect a discharge from future liability, or as indemnity for the past acts of the principal, or for both. If indemnity for liability incurred is one of the objects, notice in like manner shall be given to each of the other sureties in the bond who have not joined in the motion.

Section 28. KRS upp. (1966) 63.080 is amended to read:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, any person appointed by the Governor, either with or without the advice and consent of the Senate, may be removed from office by the Governor for any cause the Governor deems sufficient, by an order of the Governor entered in the Executive Journal removing the officer.

(2) Members of the Board of Trustees of the University of Kentucky, members of the Board of Regents respectively of Eastern Kentucky State *University,* [College,] Western Kentucky State *University* [College], Morehead State *University* [College] and Murray State *University* [College] may not be removed except for cause.

Section 29. KRS 64.255 is amended to read:

(1) In enacting legislation relating to justices of the peace, it is the intention of the General Assembly to enable justices of the peace in counties having a population of less than 250,000 to exercise criminal jurisdiction as set out in KRS 25.010, and to provide for compensation for their performance of the [new] duties thereby imposed upon them.

(2) In counties having a population of less than 250,000 each justice of the peace may be exclusively compensated for the performance of the duties of his office, in so far as they relate to the trial or decision of criminal cases, by a salary not to exceed $1,200 per annum for counties having a population

of 30,000 or less; $2,400 per annum for counties having a population in excess of 30,000 and not exceeding 60,000; $3,600 per annum for counties having a population in excess of 60,000 and not exceeding 250,000. The fiscal court of each county is authorized to fix salaries pursuant to the above restrictions. [Notwithstanding provisions of KRS 64.530, salaries for incumbent justices of the peace shall be set as soon as may be practical after March 28, 1958.] Salaries shall be paid, in equal monthly installments out of the county treasury.

(3) All moneys received or collected in criminal cases on account of or resulting from the performance of the duties or the exercise of the powers incident to the office of justice of the peace, shall be reported and paid in full to the circuit clerk of the county, on or before the tenth of each succeeding month, for proper distribution to the county and state.

Section 30. KRS 64.350 is amended to read:

(1) In counties having a population of seventy-five thousand or more, the salaries of the clerks of the respective courts thereof, of sheriffs and of jailers and of their deputies and all necessary office expenses, including the equipping, furnishing, maintaining and operation of *the* [said] offices, shall be paid out of the State Treasury in amounts not to exceed seventy-five percent of the fees collected by *the* [said] officers respectively, and received into the Treasury; and twenty-five percent of the fees [so] collected by *the* [said] officers respectively, and received into the State Treasury shall be paid in the manner provided by law for the payment of other claims against the state to the fiscal courts of *the* [said] respective counties. *The* [Said] amount of twenty-five percent of *the* [said] fees collected by *the* [said] officers respectively during each calendar year shall be paid to the fiscal courts of the respective counties by April 1 of each year succeeding the calendar year during which *the* [said] fees were received by the Department of Finance.

[(2) This section shall become effective on July 1, 1944, and shall apply to fees properly received into the custody of the said officers on and after that date.]

Section 31. KRS 64.502 is amended to read:

Nothing contained in KRS [64.498 or] 64.500 shall be construed to repeal or modify the provisions of KRS 64.505 or the provisions of KRS 24.270.

Section 32. KRS upp. (1966) 64.510 is amended to read:

(1) The maximum compensation that may be received by a Commonwealth's attorney out of the State Treasury, including the annual salary and the percentage of fines and forfeitures provided for in *subsection (2) of this section* [KRS 69.050], shall not exceed $9,600 [$6,000] *and the amount provided by KRS 64.515.*

(2) Each Commonwealth's attorney shall receive an annual salary of $1200 to be paid out of the State Treasury. In addition thereto and in lieu of all taxed fees and perquisites, he shall be allowed the sum of $8400 a year out of the fines and forfeitures rendered in his district, to be paid monthly out of the fines and forfeitures collected and paid into the State Treasury each month. Except as provided in KRS 150.160, he shall receive forty percent of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district in any year are not sufficient to allow him $8400 and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceding year to $8400. In no case shall he receive more than the maximum allowed under subsection (1) of this section.

(3) Counties shall have the same authority to allow and pay additional compensation to the Commonwealth's Attorney as is conferred by KRS 64.500 with respect to circuit judges, within the constitutional limit on the compensation of officers *whose jurisdiction or duties are coextensive with the Commonwealth.*

Section 33. KRS Supp. (1966) 64.530 is amended to read:

(1) Except as provided in subsections *(6)* [(2)] and *(7)*

[(3)] of this section, the fiscal court of each county shall fix the compensation of every county officer and employe except the officers named in KRS 64.535.

(2) The county attorney of each county shall receive a reasonable annual salary to be fixed by the fiscal court. In addition to such salary, the county attorney shall also be entitled to the statutory fees of his office, *but* [provided] his annual salary as fixed by the fiscal court plus the fees of his office shall not exceed $9600.

(3) For the purposes of this section, master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this section.

(4) In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 64.535 may receive, from both sources. The fiscal court may also fix the number of deputies and assistants, and, *except as provided in subsection (8),* the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office. [In the case of county officers elected by popular vote, the compensation of any such officer, and of his deputies and assistants, during the term of those in office on June 30, 1950, shall not be fixed at less than that fixed by the law in force and effect on November 1, 1949.]

(5) In the case of county officers elected by popular vote, [for terms commencing after June 30, 1950,] the annual compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which *the* [such] officers are elected, and shall not be changed during the term. On or before August 1, 1966, the fiscal court shall fix the salary provided herein for county attorneys for the term commencing in January, 1966,

notwithstanding any other provisions of this section which may be inconsistent herewith.

(6) [(2)] Nothing in this section shall apply to county tax commissioners or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county court clerk, sheriff, jailer, master commissioner or receiver, and their deputies, assistants and expenses, in counties having a population of 75,000 or more.

(7) [(3)] Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall be paid for their services, out of the county treasury, not to exceed fifteen dollars per day for each day of actual attendance of the meetings of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but [with the exception of the terms that are being served on June 30, 1950,] no change of compensation shall be effective as to any member of a fiscal court during his term of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first, second, third or fourth class shall continue to be limited as provided in subsections (1), (2), (3) and (4) of KRS 67.110, and nothing in KRS 64.480 to 64.760 is intended to authorize any change in such compensation during the term of any member. County commissioners or justices of the peace shall not receive any compensation for their services on the fiscal court, other than as provided in this section or subsections (1), (2), (3) and (4) of KRS 67.110, nor shall they receive any compensation for serving on committees of the fiscal court.

(8) [(4)] Circuit court clerks in counties other than those containing a population of 75,000 or more shall receive as compensation per year the maximum compensation allowed by law for circuit court clerks of this Commonwealth, *if* [provided] fees or funds for this purpose are sufficient. The first deputy shall be allowed to receive a salary not to exceed $6600 per year; the second deputy shall be allowed to receive a salary not to exceed $5400 per year and other deputies shall be allowed to receive a salary not to exceed $4800 per year. Each circuit

clerk shall be allowed to fix the amount of the salary of each of his deputy clerks.

Section 34. KRS 64.580 is amended to read:

The legislative body of each city shall fix the compensation of every city officer and employe, except the compensation of members of the city legislative body, and in the case of city officers paid from fees, or partly from fees and partly by salary, shall fix the maximum compensation that the officer may receive. Deputies or assistants of any elective city officer shall be deemed to be city employes for the purposes of this section, but employes of city boards or commissions which are now authorized by law to fix the compensation of their employes, either with or without statutory limits, shall not be deemed to be city employes for the purposes of this section. In the case of city officers elected by popular vote, [the compensation of the officer, during the term of those in office on June 30, 1950, shall not be fixed at less than that fixed by law in force and effect on November 1, 1949. In the case of city officers elected by popular vote for terms commencing after June 30, 1950,] the annual compensation of the officer shall be fixed by the city legislative body not later than the first Monday in May in the year in which such officers are elected, and shall not be changed during the term. This section is not intended to deprive any city legislative body of any authority which it *has* [may now have] by law to fix the compensation of its own members, within limits fixed by statute, except that no city legislative body may change the compensation of any of its members during his term of office.

Section 35. KRS Supp. (1966) 65.530 is amended to read:

(1) The purpose of the authority *is* [shall be] to establish, maintain, operate and expand necessary and proper riverport and river navigation facilities, and to purchase, option, hold, and receive by gift, and develop land within the economic environs of the port or proposed port to attract directly or indirectly river oriented industry. It shall have the duty and such powers as may be necessary or desirable to promote and develop navigation, including river transportation, riverports and

riverport facilities, and to attract industrial or commercial operations to the property held as industrial parks.

(2) The authority shall establish and fix reasonable rates, charges and fees for the use of the riverport facilities which shall be published in a newspaper of general circulation in the county in which the riverport is located. In fixing *the* [such] rates, charges or fees the authority may take into consideration, among other factors, the total capital investment of the authority, the revenue needed properly to maintain *the* [such] facilities, the revenue needed properly to expand the riverport and its facilities, the portion of the facilities utilized by the licensee or contracting party and its customers and the volume and type of business conducted. Any party aggrieved by the rates, charges or fees may appeal from the action of the authority to the circuit court of the county within which the authority operates, within ninety days from the date that the authority finally publishes *the* [such] rates, charges or fees and gives notice of same to the contracting party or licensee. The circuit court may hear evidence and determine whether or not the rates, charges or fees are, or are not, reasonable in amount. Appeal from the judgement of the circuit court may be prosecuted as any other civil appeal.

(3) The authority *may* [shall] also [have power,] from time to time, [to] fix rates, charges or fees by contract, or by publishing general rates, charges or fees for commercial vendors, concessionaires or other persons for the use or occupancy of riverport facilities under [such] terms and conditions [as] it [may] deem*s* to be in the best interest of maintaining, operating or expanding necessary riverport facilties, and the public use thereof.

(4) The authority may acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary or suitable for establishing, operation or expanding riverports and water navigation facilities, and may acquire by contract, lease, purchase or gift, real or personal property or rights therein for the establishment and use as an industrial park or site. The authority may erect, equip, operate and maintain on *the* [such] property buildings and equipment

necessary and proper for riverport and water navigation facilities. The authority may dispose of any real or personal property, or rights therein, which in the opinion of the authority are no longer needed for operating or expanding the riverport or water navigation facilities, or use as an industrial park. The authority may sell or convey any or all land owned or optioned by it to any public or private organization, governmental unit, or industry for the purpose of constructing [and/] or operating any industrial or commerical facility, *or both.*

(5) The authority may by resolution, reciting that the property is needed for riverports or water navigation purposes, including spoilage areas for the disposal of materials dredged from river bottoms in an effort to improve the navigability of the river at that point, direct the condemnation of any property. The procedure for condemnation shall conform to the procedure set out in KRS 416.120.

(6) The local port authority may apply for, receive authorization for, establish and operate a foreign trade zone, as permitted by 19 U. S. C. Section 81, *when* [provided] approval is obtained from the *Kentucky Port and River Development* Commission.

Section 36. KRS Supp. (1966) 67.320 is amended to read:

(1) The fiscal court of any county within this Commonwealth may maintain a fire department for the purpose of protecting the property of the county and citizens thereof who reside outside of any municipality wherein a fire department is being maintained.

(2) If any county elects to operate a fire department the fiscal court may purchase whatever equipment is necessary for *the* [said] purpose and *may* [is further authorized to] lease or purchase any property or building necessary for the storing of *the* [said] equipment, and *for the use of* the [person or] persons in *the* [said] fire department or operating *the* [said] equipment. The [said] fiscal court *may* [is authorized to] employ *the* [a sufficient number or] persons deemed necessary for the purpose of carrying out the provisions of this section. If the fiscal court elects to operate a fire department then the

court *may* [is authorized to] fix salaries of the persons employed and [to] pay *the* [said] salaries in monthly payments out of the general fund of the county. The budget commission of any county electing to operate under this section is authorized and directed to set out in *the* [said] budget a sum sufficient to defray the expenses of *the* [said] department.

(3) [That] *The* fiscal court of any county may maintain a fire protection program and contract with city fire departments, fire *protection* [prevention] districts established under authority of KRS Chapter 75, and other organized fire departments, including volunteer fire departments. The fiscal court may obtain property for *the* [said] departments under the authority of KRS 67.085.

Section 37. KRS 67.990 is amended to read:

(1) Any officer who willfully violates any of the provisions of KRS 67.020 *is* [shall be deemed] guilty of misfeasance in office, and shall be fined not more than one hundred dollars.

(2) Any officer who willfully violates any of the provisions of KRS 67.090 (2) shall be fined not less than fifty nor more than two hundred dollars for each offence.

(3) When any fiscal court adopts [such] regulations, *under KRS 67.390 or 67.400* any person violating any of *the* [such] regulations shall be guilty of a misdemeanor and shall be fined not exceeding one hundred dollars, or imprisoned not exceeding fifty days, or both, for such violation.

Section 38. KRS 68.090 is amended to read:

(1) For county purposes the fiscal court of each county may levy a poll tax on each male resident of the county who is of the age of twenty-one years or over and is not exempt under KRS 142.020, and shall levy an ad valorem tax on all property subject to county taxation. This section does not authorize the fiscal court to levy a tax to pay any railroad bonded indebtedness or any interest thereon. The poll tax shall not exceed one dollar and fifty cents on each person taxed, and the ad valorem tax shall not exceed fifty cents on each one hundred dollars' worth of property taxed. [;except that, if an additional tax is required

to pay the principal or interest on indebtedness of the county or a taxing district therein incurred prior to the adoption of the Constitution, the fiscal court may levy such additional tax as is authorized by law in force prior to the adoption of the Constitution.]

(2) [It is further provided that] *In* any county which has under the law [now in force] established itself as a tubercular district the fiscal court shall levy a tax sufficient to maintain a tubercular institution and [to] provide for the salaries of the medical staff thereof and any other necessary expenses incident thereto taking into consideration any federal, state, or private financial assistance which may be given to *the* [such] institution or which by [existing] law *the* [or that hereafter enacted such] institution *is* [may be] entitled to receive. *The* [Such] levy shall be an ad valorem tax on all property subject to county taxation and shall not exceed ten cents on each one hundred dollars' worth of property so taxed and *the* [such] ten cents shall be an additional tax to the fifty cents ad valorem tax limitation hereinbefore provided for.

Section 39. KRS 68.175 is amended to read:

In counties containing a city of the second class the fiscal court *may* [is authorized to] employ some person to make all purchases needed in the operation of *the* [such] county and needed by the officers thereof, the method and manner of making *the* [such] purchases to be fixed and determined by the fiscal court at the time of the employment of such person. [Such fiscal court is authorized to pay such person as compensation a sum not to exceed three thousand dollars per year.]

Section 40. KRS Supp. (1966) 68.197 is amended to read:

(1) The fiscal court of each county having a population of 50,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation, or profession for revenue purposes, except those of the common schools, shall be imposed at a percentage rate [or rates] not to exceed one percent of (a) salaries,

wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the county. License imposed for regulatory purposes *are* [shall] not [be] subject to such limitations as to form and amount. No public service company that pays an ad valorem tax *is* [shall be] required to pay a license tax, and no license tax shall be imposed upon or collected from any insurance company, bank, trust company, combined bank and trust company, or combined trust, banking and title business in this state, or in other cases where the county is prohibited by law from imposing a license tax.

(2) No order or resolution of the fiscal court imposing license fees pursuant to subsection (1) of this section shall be valid until it is approved by a majority of the voters of the county at an election called by the fiscal court.

(3) The election in any county shall be held not less than fifteen nor more than sixty days from the time a resolution calling the election is adopted by the fiscal court. The election may be held at the same time as the regular election in November or on any Saturday at any other time in the year [except on the date of the primary election in August]. The election shall be conducted and carried out in the county in all respects as required by the general election laws and shall be held by the same officers as required by the general election laws. The expense of the election if held on the regular election day in November shall be borne by the fiscal court.

Section 41. KR S68.26 0is amended to read:

(1) The proposed county budget adopted by the county budget commission and approved by the State Local Finance Officer as to form and classification shall be submitted to the fiscal court for adoption at the time fixed for the adoption of the county levy and budget, but not later than July 1 of each year. The county budget commission shall cause a copy of the proposed budget to be posted in a conspicuous place in the courthouse near the front door, and to be published *pursuant to KRS Ch. 424*

[in a newspaper of bona fide general circulation in the county], at least ten days before final adoption by the fiscal court.

(2) Any taxpayer or group of taxpayers may petition the fiscal court in respect to the budget or any part thereof before final adoption.

(3) If the fiscal court rejects any part of the proposed budget, it shall make *the* [such] changes in the nature and amount of funds [as] a majority of the court considers desirable; but it *has* [shall have] no power to make any change in the form or classification of the budget units or subdivisions of units.

Section 42. KRS 69.280 is amended to read:

In counties having a population of 250,000 or more the county attorney shall appoint a first and a second assistant county attorney *and the additional deputies or assistants authorized under KRS 64.530.* The *first and second* assistant attorney shall be appointed for terms of four years subject to removal at any time by the county attorney.

Section 43. KRS 70.030 is amended to read:

[Except as provided in subsection (2) and (3),] The sheriff may, with the approval of the county court, appoint his own deputies, and may revoke the appointment at his pleasure. Before any deputy executes the duties of his office he shall take the oath required to be taken by the sheriff.

Section 44. KRS 70.320 is amended to read:

(1) The appointment of deputy constables shall be authorized only in counties containing a first or second-class city. In such counties each constable may appoint one or more deputies with the consent of the county judge. The constable and his surety *are* [shall be] liable on his bond for all the acts and omissions of his deputies.

(2) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county court entered after filing of a written direction by the constable.

(3) Each deputy constable in counties containing a city of the first class, shall be compensated for his services by salary fixed by the fiscal court, and paid out of the county levy [such salary to be not less than $4,000 per annum nor in excess of $5,500 per annum].

Section 45. KRS 72.130 is amended to read:

In counties having a population of 200,000 or more the coroner shall appoint a chief deputy coroner and one other deputy coroner whose duties shall be to keep the books of the office, summon jurors and witnesses for the inquests, and perform any other duties assigned to him by the coroner. The deputy coroners shall have the same power of serving process for the coroner as a deputy sheriff. The deputy coroners shall be appointed for a term of four years and are subject to removal by the coroner at any time. The chief deputy shall receive a salary [of $3,600 per annum and the other deputy shall receive a salary of $2,400 per annum] payable out of the county treasury in equal monthly installments. *The coroner may appoint other deputies and assistants when authorized pursuant to KRS 64.530.*

Section 46. KRS 72.140 is amended to read:

In counties having a population of 200,000 or more the coroner shall appoint a stenographer to perform any stenographic or clerical work required by the coroner in connection with his office. The stenographer shall receive an annual salary [of not more than $1,800] payable out of the county treasury in equal monthly installments. The stenographer is removable at the will of the coroner.

Section 47. KRS Supp. (1966) 75.010 is amended to read:

(1) [Upon] *A* petition *for the establishment of a fire protection district or a volunteer fire department district* signed by at least fifty-one percent of the voters, as determined by the registration books covering *the* [such] territory, and living within the boundary of *the* [a] proposed fire protection district or volunteer fire department district *may be* filed in the circuit court clerk's office of the county in which the greater part of *the*

[such] territory is located, not less than twenty days before the commencement of the next regular term of [said] court, and in courts of continuous sessions not less than twenty days before the first day of the next calendar month. *The petition shall set* [setting] *out the metes and bounds of the proposed fire protection district or volunteer fire department district, the number of voters thereof, and other facts thought proper.* Notice of the filing of the petition and the object thereof *shall be* [having been] given by publication pursuant to KRS Ch. 424, and by notices posted for at least ten days before the commencement of the court, one at the courthouse door, and three others at public places within the bounds of the proposed fire protection district or volunteer fire department district[,]. [the petition setting out the metes and bounds of the proposed fire protection district or volunteer fire department district, the number of voters thereof, and other facts thought proper,] On the second day of the term, and in courts of continuous session on the day provided for in the notice, the court shall, if the proper notice has been given and publication made, and no written objection, remonstrance or defense is interposed, enter a judgment establishing a fire protection district or a volunteer fire department district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Defense, objection or remonstrance may be made to the petition by any inhabitant of the proposed fire protection district or a volunteer fire department district, or any person owning property therein, and if defense, objection or remonstrance is made, the court shall hear and determine the same, and render a judgment establishing, or refusing to establish the fire *protection* [prevention] district or volunteer fire department district as may seem proper. The pleadings and practice as herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of appeal to the Court of Appeals in accordance with the Rules of Civil Procedure. The appeal shall be advanced upon the docket.

(2) In no event shall any fire protection district or any volunteer fire department include within its metes and bounds any territory at that time or thereafter included in any city of this Commonwealth which maintains a "regular fire department,"

and which city has paid its proportionate share of the indebtedness incurred while such territory was a part of that district.

Section 48. KRS Supp. (1966) 75.210 is amend d to read:

(1) It *is* [shall be] unlawful for any person to follow closer than *five hundred* [two thousand] yards behind any fire apparatus or vehicle of a fire department including the automobiles of those *having* [authorized] the right of way *under* [of] KRS 75.190 while the vehicles are being operated in the performance of duties prescribed in this chapter.

(2) It *is* [shall be] unlawful for any person to park any vehicle within *the block where fire apparatus has stopped when called to fight* [one thousand yards of any fire apparatus or on any highway or other right of way when fire apparatus is engaged in fighting] a fire and no person shall block the highway or other right of way leading to or from any place where there is a fire.

(3) Any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars for each offense.

Section 49. KRS Supp. (1966) 75.220 is amended to read:

(1) Upon observing warning lights or hearing warning signals of any emergency vehicle, which [shall] includes fire apparatus and vehicles of all kinds of a fire department, ambulance, police cars, sheriffs' cars, cars of firemen and volunteers and others authorized by the board to have the right of way, while all mentioned vehicles are being operated in the line of duty, all operators of vehicles on the highways or other right of way shall immediately pull to the right as far as possible and come to a complete stop until *the* [such] emergency vehicle has proceeded past for at least *five hundred* [two thousand] yards.

(2) Any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars for each offense.

Section 50. KRS 76.010 is amended to read:

In the interest of the public health and for the purpose of providing adequate sewer and drainage facilities in and around

each city of the first *and second classes* [class] and in each county containing such city, there may be created and established [therein] a joint metropolitan sewer district under the provisions of KRS 76.010 to *76.210* [76.220], having the powers, duties and functions as herein prescribed, [and] to be known by and under the name of_____ (Name of city of the first *or second* class) and_____ (Name of county) Metropolitan Sewer District, which district under *that* [said] name shall be a public body corporate, and political subdivision, with power to adopt, use and alter at its pleasure a corporate seal, sue and be sued, contract and be contracted with, and in other ways to act as a natural person, within the purview of KRS 76.010 to *76.210* [76.220].

Section 51. KRS 76.060 is amended to read:

(1) The board shall, in July of each year, elect from its members a chairman and a vice-chairman, who shall be of different political party affiliation. It shall employ a secretary-treasurer and a chief engineer, neither of whom *is* [shall be] a member of the board. The secretary-treasurer and the chief engineer may be removed by the board for cause, after hearing by it and after at least ten days' notice in writing *has* [shall have] been given to the secretary-treasurer or chief engineer, as the case may be, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the board *is* [shall be] final. The secretary-treasurer and the chief engineer shall each devote his entire time and attention exclusively to the services of the board. The board may employ, and remove at pleasure, professional and technical advisors, experts, and other employes, skilled or unskilled, as it deems requisite for the performance of its duties. [except that it may not employ a lawyer or lawyers. The director of law, otherwise city attorney, of each such city, and such of his assistants as he shall designate, shall render all legal services pertaining to the said City and County metropolitan sewer district and its board and the business, activities, and affairs, thereof, provided however, that if adverse legal positions arise as between such city on the one hand and such district and board on the other, the latter may employ such legal counsel for such situation

and upon such terms as the legislative body of such city may authorize by ordinance.]

(2) The board shall require the secretary-treasurer and the chief engineer each to execute bond and may exact from such of its other officers and employes bonds as it [may] deems expedient. All [such] bonds shall be payable to the district in *the* [such] sums as the board may fix, with approved corporate surety, and premiums therefor shall be paid by the district. *The* [Such] bonds shall obligate the makers thereof to faithfully perform the duties of their respective offices and positions and to fully account for and pay over all money, property, or other thing of value of the district, which may come to their hands, respectively. The board shall fix the salaries and compensation of the officers and employes it engages, which salaries and compensation, however, shall be in line with that paid by the city and county for similar services.

Section 52. KRS Supp. (1966) 76.070 is amended to read:

(1) When the district created under KRS 76.010 to 76.210 *has* [shall have] organized, thereupon and by virtue of KRS 76.010 to 76.210, the existing sewer and drainage system and facilities of *the* [such] city of the first *or second* class, together with all contracts, books, maps, plans, papers and records, of whatever description pertaining to or relating to the design, construction, maintenance, operation, and affairs of *the* [such] existing sewer and drainage system, shall be assigned, transferred, and dedicated to the use of and be in possession, and under the jurisdiction, control, and supervision, of the district under KRS 76.010 to 76.210 created, and *the* [such] district is empowered to take possession thereof for its use and purposes. The district created under KRS 76.010 to 76.210 shall thereafter have complete jurisdiction, control, possession, and supervision, of *the* [such] existing sewer and drainage system, and of all of the facilities of *the* [such] city of the first *or second* class for the disposal of sewage and storm water, and shall continue to exercise such power so long thereafter as any bonds or liabilities of the district [shall] remain unpaid or *have* [shall] not [have] been otherwise discharged. When all of the bonds issued by the district and all its obligations [shall] have been paid in full or

[shall] have been otherwise discharged, the district shall nevertheless continue to function as contemplated by KRS 76.010 to 76.210 [unless and] until dissolved and disposition of its property and assets provided for.

(2) The [same] rights and powers given in this section shall apply in the whole of the district area.

(3) The board shall make and spread upon its records adequate descriptions, by map or otherwise, of the district area.

Section 53. KRS Supp. (1966) 76.080 is amended to read:

The district created under the provisions of KRS 76.010 to 76.210 is empowered:

(1) To have jurisdiction, control, possession, and supervision of the existing sewer and drainage system of *the* [such] city of the first *or second* class; to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system; to make additions, betterments, and extensions thereto within the district area; and to have all the rights, privileges, and jurisdiction necessary or proper for carrying such powers into execution. No enumeration of powers in KRS 76.010 to 76.210 shall operate to restrict the meaning of this general grant of power or to exclude other powers comprehended within this general grant.

(2) To prepare or cause to be prepared and to be thereafter revised and adopted, plans, designs, and estimates of costs, of a system of trunk, intercepting, connecting, lateral, and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works, and all other appliances and structures which in the judgment of the board will provide an effective and advantageous means for relieving the district area from inadequate sanitary and storm water drainage and from inadequate sanitary disposal and treatment of the sewage thereof, or such sections or parts of such system of the district area as the board may from time to time deem proper or convenient to construct, consistent with the plans and purposes of KRS 76.010 to 76.210, and *may* [is authorized and empowered to] take all [such] steps [as] the board [may] deems proper and necessary to effect the purposes of KRS 76.010 to 76.210.

(3) To construct any additions, betterments, and extensions to the facilities of the district in the district area by contract [or contracts], or under, through, or by means of its own officers, agents, and employes. No construction or extensions shall be started within the city of the first *or second* class until, firstly, the city's director of works and, secondly, its board of aldermen *or governing body* have approved the plans. No construction or extensions shall be started in any city of less than the first *or second* class, drainage district, or other political subdivision in the district area until the governing authorities of the political subdivision have approved the plans. No construction or extensions shall be started in any other part of the district area until the plans have been approved, firstly, by the county engineer and, secondly, by the fiscal court.

(4) To establish, construct, operate, and maintain, as a part of the sewer and drainage system of the district, sewage treatment and disposal plants and systems and all the appurtenances and appliances thereunto belonging. *The* [Such] sewage treatment and disposal plants may be located in the city, or beyond the limits of the city in the county in which the city is located, as the board [may] deems expedient.

(5) To acquire and hold *the* [such] personal property [as] the board [may] deems necessary and proper for carrying out the corporate purposes of the district and to dispose of personal property when the district has no further need therefor.

(6) To acquire by purchase, gift, lease, or by condemnation, [such] real property or any interest, right, easement, or privilege therein, as the board [may] determines necessary, proper and convenient for the corporate purposes of the district, and to use the same so long as *its* [such] corporate existence [shall] continues, and same is necessary or useful for the corporate purposes of the district. Condemnation proceedings may be instituted in the name of the district pursuant to a resolution of the board declaring the necessity for the taking, and the method of condemnation shall be the same as provided in KRS 416.120. When the board by resolution declares that any real property which it has acquired, or any interest therein, is no longer necessary or useful for the corporate purposes of the district, *the* [such] real property and interest therein may be disposed of.

(7) To make bylaws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges, which sewer rates, rentals and charges, applicable within the limits of a city of the first *or second* class, shall be subject to the approval, supervision and control of the legislative body of *the* [such] city as hereinafter provided.

(8) To make contracts and execute all instruments necessary or convenient in the premises.

(9) To borrow money and to issue negotiable bonds and to provide for the rights of the holders thereof.

(10) To fix and collect sewer rates, rentals, and other charges, for service rendered by the facilities of the district, which sewer rates, rentals, and other charges, applicable within the limits of a city of the first *or second* class, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.

(11) To enter on any lands, waters and premises for the purpose of making surveys, and soundings and examinations.

(12) To approve or revise the plans and designs of all trunk, intercepting, connecting, lateral and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works proposed to be constructed, altered or reconstructed by any other person or corporation, private or public, in the whole county. No [such] sewers, drains, pumping or ventilating stations, or disposal or treatment plants or works shall be constructed or reconstructed without approval by the board of the district. Any such work shall be subject to inspection and supervision of the district.

Section 54. KRS Supp. (1966) 76.150 is amended to read:

(1) Subsections (2) through (4) have no application to construction subdistrict bonds or obligations. All references to revenues, rates, rentals, charges, or collections in subsections (2) and (3) exclude those derived from or made on account of con-

struction subdistricts. District facilities referred to in subsections (2) and (3) exclude construction subdistrict facilities.

(2) The district *may* [shall have power, and it is hereby authorized] from time to time, [to] issue its negotiable interest-bearing revenue bonds for any of its corporate purposes, and it may also, from time to time, issue its negotiable interest-bearing revenue bonds to refund any of its bonds at maturity or pursuant to redemption provisions, or at any time before maturity with the consent of the holders thereof. All *the* [such] bonds, including interest thereon, *are* [shall be] payable solely from and secured only by revenues of the district realized through the collection of rates, rentals, or other charges, imposed for use of the facilities of *the* [such] district. *The* [Such] bonds shall be authorized by resolution of the board and shall bear *the* [such date or] dates, mature at *the* [such time or] times not exceeding forty years from their respective dates, bear interest at *the* [such rate or] rates, not exceeding five percent per annum, payable semi-annually, be in *the* [such] denominations and [in such] form, either coupon or registered, carry *the* [such] registration privileges, be executed in *the* [such] manner, be payable in *the* [such] medium of payment at *the* [such] place [or places], and be subject to *the* [such] terms or redemption, with or without premium, as *the* [such resolution or] resolutions [may] provide; [provided, however,] *except* that before the issuance of [any such] bonds for any project within the corporate limits of any [such] city of the first *or second* class, the issuance thereof shall first be authorized by ordinance passed by the legislative body of *the* [such] city and approved by the mayor thereof. The bonds shall be sold at public sale for *the* [such] price [or prices] as the board [shall] determines, [provided that] *but* the interest cost of the money received from any issue of [such] bonds shall not exceed five percent per annum when computed to the maturity of the bonds according to standard tables of bond values.

(3) Any resolution [or resolutions] authorizing any bonds hereunder, may contain provisions, which shall be a part of the contract with the holders of the bonds, as to (a) pledging all or any part of the gross or net revenues of the district to secure the payment of the bonds and interest thereon; (b) the amounts to

be raised in each year by rates, rentals, and charges, and the use and disposition thereof, and of any other revenues of the district; (c) the setting aside of reserves or sinking funds and the regulation and disposition thereof; (d) limitations on the right of the district to restrict and regulate the use of its facilities; (e) limitations on the purposes to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied; (f) limitations on the issuance of additional bonds; (g) the procedure, if any, by which the term of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which *the* [such] consent may be given.

(4) The bonds or other obligations of the district shall not constitute an obligation or indebtedness of the city or of the county and it shall be plainly stated on the face of each bond of the district that it has been issued under the provisions of KRS 76.010 to 76.210, and that it does not constitute an indebtedness of the city or of the county. All bonds authorized hereunder may be issued without a vote of the voters and without any other proceedings or happenings of any other conditions or things than those proceedings, conditions and things which are specified and required by KRS 76.010 to 76.210. *The* [Such] bonds shall be signed in the name of the district by the chairman or vice-chairman of the board, attested by the signature of the secretary-treasurer, with corporate seal of the district attached.

Section 55. KRS Supp. (1966) 76.170 is amended to read:

(1) The initial unit of the district embraces the area that is coterminous with the boundaries of the city of the first *or second* class. The district also embraces the district area as defined in KRS 76.005. When territory which is part of a construction subdistrict is annexed to the city of the first *or second* class, that territory shall not become part of the district area during the existence of the construction subdistrict. When the existence of the construction subdistrict is wound up under KRS 76.271, the territory therein shall become a part of the district area if it is then a part of the city of the first *or second* class or whenever it is annexed by the city of the first *or second* class. When a construction subdistrict consisting of territory outside

the city of the first *or second* class is wound up, the board of the district shall incorporate *the* [such] territory into the district area under conditions of KRS 76.271. The district may also expand the district area by constructing and extending its initial sewer and drainage system and facilities beyond the corporate limits of *the* [such] city of the first *or second* class and within the county in which *the* [such] city is located whenever the district and the [owner or] owners of real property to be served and located outside the limits of *the* [such] city, by appropriate written instrument, agree as to apportionment of any and all costs of construction work, subsequent maintenance and operation appertaining thereto, and as to payments by the [owner or] owners of *the* [such] real property, of rates, rentals and charges for the services and facilities to be thus afforded and for that portion of the district's capital costs equitably allocable to *the* [such] real property. Thereupon *the* [such] real property served becomes a part of the district area. In a like manner and upon the same conditions, the district may construct and extend its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the district and *the* [such] other city or incorporated area approved by their respective governing boards or bodies. All [such] agreements referred to in this section shall be in appropriate form for recording and shall be filed of record with the county clerk as other instruments relating to transfer or creating a lien upon real estate. Any [such] agreements entered into by the district pursuant to this section may provide that the district area shall include the real estate in such city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the district area shall be thereby officially enlarged and extended [so as] to include same; *except that* [Provided, however,] the district area shall not be enlarged to include a construction subdistrict by agreement or otherwise.

(2) The words "incorporated area" as used in this section, *does* [shall] not mean or apply to any sanitation district organized under KRS Chapter 220.

(3) The provisions of this section shall not apply in cases involving annexation by a city of the first class pursuant to KRS 81.300 to 81.360.

Section 56. KRS 76.190 is amended to read:

In order to promote and protect its activities and facilities, and in furtherance of the public health, the district may enter into contracts with, and thereunder it may permit other cities, towns, municipalities, sewer and drainage districts, located in the same county as *the* [such] city of the first *or second* class, to connect with and use the facilities of the district. The rates for [such] service and connections shall be [such] as [may be] agreed upon between the contracting parties.

Section 57. KRS Supp. (1966) 80.110 is amended to read:

All low-cost housing projects are subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is situated. In a city of the first class, the housing commission shall submit to the city planning and zoning commission the location, character and extent of any new street, square, park or other public way, ground or open space, or any public structure or public utility, for approval in the manner provided in KRS *100.197* [100.059].

Section 58. KRS 83.171 is amended to read:

The department of sanitation *has* [shall have] exclusive control, under city ordinances, of all matters pertaining to the collection and disposal *by* [of] public or private means of garbage, waste, rubbish and other refuse within *the* [such] city, the cleaning of the public ways within *the* [such] city, and [such] other matters [as are] placed under its control by ordinance.

Section 59. KRS 84.340 is amended to read:

(1) All officers, agents and employes of the city not required by statute to be otherwise appointed or elected shall be appointed by the mayor, and serve at his pleasure. Whenever any elective or appointive officer of the city, except the mayor, is necessarily absent from the city, or unable to discharge the

duties of his office, the mayor may fill his office temporarily by appointment, and the person [so] appointed shall discharge the duties of the office until the regular officer returns or becomes fit for and enters on the performance of his duties. Officers thus temporarily appointed may be required by ordinance to qualify and give bond.

(2) No person shall be elected to any city office unless he is a legal voter of the city and has been an actual resident of the city for one year immediately preceding his election. Each elective city officer shall reside within the city limits during his continuance in office, and if he ceases to reside within the city limits his office shall thereby be vacated.

(3) Unless otherwise provided by law, the general council shall fix the compensation and prescribe the duties of all officers, deputies and employes of the city. The salary of each officer, deputy or employe shall be fixed before his election, employment or appointment. All officers, deputies and employes of the city, except where otherwise provided by statute, shall receive a fixed salary and no other compensation, and all fees and commissions authorized by law shall be paid into the city treasury for the benefit of the city. [The salary of no city officer, including all necessary deputies and clerks, shall be more than five thousand dollars per annum.]

(4) No officer, deputy or employe of the city *is* [shall be] entitled to any compensation unless he, in person or by deputy, performs the duties of his office. No officer to whom fees, costs or commissions are authorized by law to be paid shall be entitled to or paid any part of his salary until he has made an itemized and sworn report to the general council of all fees, costs and commissions collected by him, has paid them over to the city treasurer, and has given the general council satisfactory reasons for failing to collect and pay over all uncollected fees, costs and commissions.

(5) The mayor, each member of the general council, the chief of police and all police officers are conservators of the peace, and shall have and exercise *the* [such] powers as conservators of the peace [as are] prescribed by statute or ordinance.

Section 60. KRS Supp. (1966) 89.440 is amended to read:

(1) No person shall be elected to the office of mayor, police judge or commissioner without first *being* [having been] nominated in the manner prescribed by this section. On the seventh Saturday before the day for the regular election there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day of the primary election, file with the county clerk a petition signed by at least one hundred voters, in a city of the second class, or by at least fifty voters in a city of the third or fourth class, in the following form:

"We the undersigned, qualified voters of the city of_____ _____, and residing each at the place indicated opposite his name, do hereby request that the name of _____ be placed on the ballot as that of an applicant for nomination for the office of _____, at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of the office.

Name	Number	Street
_____	_____	_____
_____	_____	_____
_____	_____	_____

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voters shall sign more than one petition with reference to each office that is to be filled. If any voter signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more applicants for nomination for commissioners than the number of commissioners to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing

petitions the county clerk shall have published as provided in KRS Chapter 424, the names of the persons as they will appear upon the primary ballots, and shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are not more than two applicants for nomination as mayor or police judge, or not more applicants for nomination for commissioner than twice the number of commissioners to be elected. In that case the applicants for mayor or police judge and the applicants for commissioner shall thereby be nominated and their names shall not be placed upon the primary ballots, and no primary election shall be held for nomination for those offices.

(5) The names of the applicants for each nomination shall be printed on the ballots as provided in KRS 89.460, with a square at the right of each name. Above the names of the applicants for nomination for mayor or police judge shall be printed the words, "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words, "Vote for four," in a city of the second, third or fourth class. The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

(6) After the ballots are printed, the county clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in the polling precinct at the last preceding regular election for mayor. The persons who are qualified to vote at the regular municipal election are qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election is applicable to challenges made at the primary election.

(7) The ballots shall be counted as provided in the general election laws, and after being so counted the result shall be published as provided in KRS Chapter 424.

(8) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving

the highest number of votes for nomination for police judge shall be thereby nominated. The eight applicants, [in a city of the second or fourth class or the four applicants, in a city of the third class,] receiving the highest number of votes for nomination for commissioners are thereby nominated.

(9) The expenses of the primary election shall be paid by the city.

Section 61. KRS 90.120 is amended to read:

(1) There *is* [shall be] created and established in cities of the first class a civil service board to be known as_____ Civil Service Board. *The* [Said] board [shall] consist*s* of five members of whom four shall be appointed by the mayor and the mayor *is* [shall be] the fifth member ex officio. [Any civil service board heretofore established pursuant to KRS 90.110 to 90.240 shall be enlarged to accord with the provisions of this section.] The mayor, as ex officio member, shall not have the right to vote except when necessary to break a tie. The appointive members shall be selected equally from the two political parties casting the highest and next highest number of votes at the last preceding general election. All members shall be appointed for a four-year term. [In any city in which there has been heretofore established a civil service board pursuant to KRS 90.110 to 90.240 the mayor shall appoint the additional appointive member herein provided for, for a term commencing July 1, 1946, and other appointments by the mayor of such a city to said board shall be made at the conclusion of the term of the present incumbents and shall be made in such a way as to have said board conform as soon as practicable to the equal division between political parties.] Vacancies created by death, resignation and otherwise shall be filled for the unexpired portion of the term only. Any member of the board appointed according to the provisions of this section shall be eligible for reappointment unless *his* [said] reappointment would offend the equal political division of said board.

(2) No member of the [said] board shall be eligible for any appointive office of the city while a member of *the* [said] board, or for one year thereafter. If a member of the board

becomes a candidate for an elective office, he thereby vacates his position as a member of the board.

(3) Any member of the board may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten days' notice in writing *has* [shall have] been given to the member, which notice shall contain a copy of charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office.

Section 62. KRS 90.150 is amended to read:

(1) The classified service covered by KRS 90.110 to *90.230* [90.240], and hereby placed under the jurisdiction of the board, [shall] includes all offices, positions, and places of employment, except as herein provided, in the following departments and agencies in the service of the city, to wit: The department of public safety, the department of public health, the department of public welfare, and the civil service board. If any of such offices, positions or places of employment are transferred to or combined or consolidated with any other department or agency of or serving the city, *the* [such] offices, positions or places of employment shall continue to be covered by KRS 90.110 to *90.230.* [90.240.] The classified service [shall] also includes all other offices and positions and places of employment in other departments or agencies of the city or serving the city to which the classified service may be hereafter extended pursuant to the provisions of KRS 90.210, or any other *law* [Act].

(2) The following offices, positions, and places of employment, in the departments and agencies hereinabove specifically named, are excluded from the classified service, to wit:

(a) The director of safety and the following positions in that department, to wit: Private secretary, the chief of police, assistant chief of police, chief of detectives, chief of firemen, assistant chief of firemen; superintendent and animal catchers, and caretakers, in *the* division of city pound; supervising inspector of weights and measures, and inspector of weights and measures, and deputy inspector, in *the* division of weights and measures.

(b) The director of health and the following positions in that department, to wit: Private secretary, kitchen helpers, cleaners, waitresses, house maids, janitresses, laundresses, hospital resident medical staff, University visiting staff, student nurses, bona fide University students.

(c) The director of welfare and the following positions in that department, to wit: Private secretary, janitors, cleaners, laundresses, night watchman, truck drivers, kitchen helpers, janitresses, park laborers, bona fide University students.

(d) Members of the civil service board and the personnel director. [Provided, however,]

(3) The offices, positions and places of employment excluded by paragraphs (a), (b), (c) and (d) of *subsection (2)* [this section] from the classified service may [hereafter] be placed in the classified service, [under and] in accordance with the provisions of KRS 90.210, except that the offices or positions of director of safety, chief of police, assistant chief of police, chief of detectives, chief of firemen, assistant chief of firemen, director of health, director of welfare, and members of the civil service board shall not be *placed* in the classified service. [whether theretofore or not placed in said classified service, and provided, further, that] *No* office, position or place of employment which is placed in the classified service after February 15, 1946, by action of the legislative body of the city shall be in the classified service.

(4) [(3)] Any classified employe in the department of safety, who [shall] accepts an appointment and qualifies [y] as chief of police, assistant chief of police, chief of detectives, chief of firemen, or assistant chief of firemen, shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of *those* [said] respective positions. Should any [such] chief or assistant chief, or chief of detectives, cease to serve as such, there shall be restored to him the same classification and rank which he held prior to *his* [said] appointment.

Section 63. KRS 90.310 is amended to read:

(1) Any city of the second or third class may elect to

operate under KRS 90.310 to 90.410, and, by ordinance, create a civil service commission which shall hold examinations as to the qualifications of applicants for municipal employment within the several departments of the city that are designated by ordinance. In cities of the second class in which a civil service ordinance *was* [has heretofore been] adopted *before June 19, 1946* the city shall, by ordinance, create civil service classifications for all employes consistent with the actual work to be performed by such employes; in other cities of the second class, and in cities of the third class, the city may, by ordinance, classify employes and designate the class of employes it desires to include.

(2) The mayor, subject to the approval of the city legislative body, shall appoint three persons who shall constitute the civil service commission of that city. Each appointee shall be at least thirty years of age and not related by either blood or marriage to the mayor or any member of the city legislative body. *The* [Such] appointees shall originally be appointed one for a term of one year, one for a term of two years and one for a term of three years, respectively, and the successors to these appointees shall be appointed in like manner, each for a period of three years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as original appointments. At the time of any appointment not more than two commissioners shall be adherents of the same political party. The appointee originally appointed for the term of three years shall be secretary of the commission. Each appointee shall qualify by taking an oath of office as required by law. The salaries of the members of the commission may be fixed by the city legislative body.

(3) If the appointing authority of any city fails to appoint a civil service commission within thirty days after he has the power to so appoint or after a vacancy exists, the mayor pro tem shall make the appointment and the appointee shall hold office until the expiration of the term and until his successor is appointed and qualified.

(4) The civil service commission shall make and enforce rules, not inconsistent with the provisions of KRS 90.310 to

90.410 or the ordinances of the city, for examinations and registrations therefor.

Section 64. KRS 91.140 is amended to read:

(1) The commissioners of the sinking fund shall annually elect one of their number president.

(2) The commissioners of the sinking fund shall, by a majority vote, elect a treasurer and secretary, who shall give bond with good and sufficient surety, to be approved by the commissioners, and shall take oath in the manner required of the commissioners by subsection (4) of KRS 91.130. He shall hold office for four years and until his successor is qualified. Vacancies shall be filled by appointment of the commissioners. The treasurer and secretary shall keep an accurate record of all proceedings of the board of commissioners, receive and disburse all moneys by order of the commissioners and keep an accurate account thereof, and perform all other acts required of him by the commissioners. He shall account for all money and other things of value belonging to the sinking fund that come into his hands or control.

(3) The commissioners shall elect all officers and appoint all employes of the sinking fund, prescribe their duties and fix their compensation. They may provide in bylaws for deductions to be made from the compensation of officers and employes for neglect of duty or violation of the bylaws. All officers and employes, except the treasurer and secretary and the president, shall hold office at the pleasure of the commissioners, as prescribed in the bylaws.

(4) [Such] *Employes* of the sinking fund [as may be] designated by the board of commissioners, [thereof, shall] have the same powers as peace officers, co-extensive with the county in which *the* [said] city is located, in the enforcement of all ordinances passed pursuant to KRS 92.281, 91.200 to 91.270, [inclusive,] 137.410, *186.054*, 186.270, [281.815,] or any other ordinance of a city of the first class, which levies a license tax and which is collected or paid to *the* [said] sinking fund.

(5) Any designations made by the commissioners of the sinking fund of cities of the first class, shall be entered of record

in the minutes of the Board and a certified copy thereof shall be transmitted to the judge of the police court of *the* [said] city, and he shall enter same of record and administer to each employe the oath required of peace officers.

Section 65. KRS Supp. (1966) 91.200 is amended to read:

(1) The board of aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on *a* [such] business, trade, occupation or profession for revenue purposes may be imposed at a percentage rate [or rates] not to exceed those hereinafter set forth on (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions, or occupations from activities conducted in the city (hereinafter collectively referred to as "net profits"). Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax an a franchise tax*is* [shall be] required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or in other case where the city is prohibited by statute from imposing a license tax.

(2) The rate [or rates] fixed [may be in accordance with either of the following plans:

(a) a rate on both "wages" and "net profits" of not to exceed one percent; or

(b) a rate] *on* both "wages" and "net profits" *may be* [of] one and one-fourth percent.

[Provided, however, that the authorization granted by this section with respect to plan (b) shall expire as of December 31, 1958; provided further that, prior to said expiration date, the board of aldermen may by ordinance impose a rate of one and

one-fourth percent for an indeterminate period of time, but no such ordinance shall go into effect until the expiration of thirty days after its passage. If during the thirty days next following the passage of such ordinance, a petition signed by a number of constitutionally qualified voters equal to fifteen percent of the votes cast in the city at the last preceding general election, stating the residence of each signer, and verified as to signatures and residences by the affidavits of one or more persons is presented to the board of aldermen protesting against passage of such ordinance, the ordinance shall be suspended from going into effect and shall be reconsidered by the board of aldermen. If the ordinance is not then repealed, the board shall submit to the voters of the city, at a regularly scheduled election or at an election held for that purpose prior to January 1, 1959, the question as to whether a rate of one and one-fourth percent shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against". If a majority of the votes cast upon the question oppose its passage, the ordinance shall not go into effect. If a majority of the votes cast upon the question favors its passage, the ordinance shall go into effect as of January 1, 1959.]

(3) License fees or taxes shall be collected by the commissioners of the sinking fund. The proceeds from *the* [such] taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund *is* [shall be] sufficient to pay the costs of administration and the interest charges for the current fiscal year of the sinking fund, in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(4) Revenues remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the general fund of the city as received until *the* [such] receipts during the fiscal year of the city [shall] reach the sum of five million dollars. Any revenues in excess of *that* [said] amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined; *except that* [provided, however,] fifty percent of the

revenues [so] deposited to such Special Capital Fund Account during each fiscal year [(commencing with the fiscal year in which this section shall become effective),] or any lesser amount remaining in *the* [said] fund at the end of *the* [such] fiscal year, may be transferred to the general fund of the city at the beginning of the succeeding fiscal year. [provided further, that] Whenever the unencumbered balance remaining in *the* [said] Special Capital Fund Account exceeds one million dollars at the beginning of any fiscal year *the* [such] excess may be transferred to the general fund of the city. [provided, further, that] Funds from the Special Capital Fund Account may be encumbered for purposes other than capital improvements only after transfer to the general fund.

(5) The term "capital improvements" as used in this section *is* [shall be] limited to additions or improvements of a substantial and permanent nature and services rendered in connection therewith, and [shall] include but *are* not [be] limited to (a) the purchase of rights-of-way for highways, expressways and the widening of existing streets, (b) the purchase of lands for parks, recreational and other governmental facilities, and for public off-street parking facilities, (c) the purchase, construction, reconstruction, renovation or remodeling of municipal buildings, and facilities, (d) the replacement of machinery, wires, pipes, structural members or fixtures and other essential portions of municipal buildings, (e) the initial equipment of any newly-acquired facility wherein any essential governmental function of the municipality may be located or carried on, (f) the purchase and installation of traffic control devices, fire alarm equipment, and expenditures pursuant to contracts for street and protective lighting service, (g) the reconstruction and resurfacing, but not routine maintenance, of streets and other public ways, (h) the acquisition of motorized equipment purchased as additions to, but not replacements for, existing equipment, and, (i) engineering and other costs incurred by the city in connection with the construction of public improvements financed under a special assessment plan or plans authorized in KRS Chapter 93.

(6) Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(7) Licenses shall be issued and enforced on [such] terms and conditions as [may be] prescribed by ordinance.

Section 66. KRS 91.375 is amended to read:

[All omitted property that should have been assessed for ad valorem taxes by cities of the first class prior to January 1, 1956, shall be subject to the same penalties and rate of interest as provided by law for the years when the property was not assessed.] All omitted property that should have been assessed for ad valorem taxes by cities of the first class *is* [as of or subsequent to January 1, 1956, shall be] subject to a penalty of ten percent of the amount of the taxes, and interest at one percent per month from the date when the taxes would have been delinquent had the property been listed as required by law.

Section 67. KRS 90.020 is amended to read:

The fiscal year of cities other than the first class may begin on [the following dates:

(1) In cities of the second class,] January 1, June 1 or July 1.

[(2) In cities of the third class, January 1, June 1 or July 1.

(3) In cities of the fourth, fifth and sixth classes, January 1, June 1 or July 1.] Any city desiring to change the date of the beginning of its fiscal year may operate for the portion of any year necessary in making the change.

Section 68. KRS 93.300 is amended to read:

(1) The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing in any city of the first class, including the costs of preparing the plans and specifications and supervising the improvement, the acquisition of necessary property, the construction of approaches, drainage structures, street and pavements, accommodations for street railway and interurban railway companies and other public utilities, and damages paid to abutting property owners, shall be paid in the proportion of fifteen

percent by the railroad companies affected and eighty-five percent by the city. [Provided, however, that the proceeds of any municipal bond issue, heretofore voted under the provisions of KRS 93.330, can be used to defray the proportionate costs of the city only as such costs are defined in this section.]

(2) The city and the railroad company shall pay, in the proportion above provided, on monthly estimates certified by the city engineer and the railroad engineer in charge of the work, the amounts due to contractors and the costs incurred by the city or the railroad company and chargeable to the cost of construction.

(3) Where provision is made for a substituted crossing for the tracks of any street railway or interurban railway company, the company owning the tracks shall pay into the city treasury forty percent of the amount paid out by the city under the provisions of KRS 93.290, or under any contract made under KRS 93.280. All payments so made by the street railway or interurban railway company shall be based on the monthly estimates referred to in subsection (2) of this section, a copy of which, properly certified by the director of works shall be furnished to the company. The payments by the company shall be made within five days after presentation of the estimate by the city.

(4) All books and records of the company performing the work, that pertain in any manner to the improvement, shall be open at all times to the inspection of the department of public works or its authorized representatives.

Section 69. Subsection (1) of KRS 94.010 is amended to read:

(1) As used in *KRS 94.010 to 94.280, 94.360, 94.370, 94.500* to *94.570 and 94.670 to 94.760* [this chapter, excepting KRS 94.291 to 94.325,] unless the context requires otherwise:

(a) "City legislative body" means the chief legislative body of the city, whether it is a board of aldermen, general council, board of trustees, board of commissioners, or otherwise.

(b) "Improvement," when used with respect to public ways and sewers, means all work, material used, land acquired

and every expense connected with the construction and reconstruction of public ways and sewerage systems, including resurfacing on a foundation already in place.

(c) "Public ways" means public streets, sidewalks, alleys, avenues, roads, lanes, highways and thoroughfares.

(d) "Street" means any public way other than alley or sidewalk.

Section 70. KRS 94.710 is amended to read:

(1) When exceptions have been filed by either party, and all parties have been properly summoned and are before the court and the issues made up, the circuit court shall forthwith cause the case to be docketed for trial by a jury as other common-law cases are tried, and it shall, upon motion of either party, give the case preferance over other common-law cases on the docket. In the trial of the case the burden of proof shall be upon the party filing exceptions. The jury shall be sworn to ascertain and determine truly and impartially by their verdict the amount of compensation the owner is entitled to receive. In assessing damages and rendering their verdict, the jury shall be governed by the rule prescribed in KRS 94.690 for the making of the commissioners' report, and the court shall so instruct the jury. The court shall render judgment in conformity to the verdict unless sufficient cause is shown for setting aside the verdict. Upon request of either party the jury may be sent by the court, in charge of the sheriff, to view the property, right of way or easement sought to be condemned. The court shall make all proper orders, rules and judgments necessary to secure a fair trial by an impartial jury.

(2) If more than one piece of property is involved, owned by different persons, the jury shall render a separate verdict as to the property of each person, or the court may direct a separate trial for each piece of property owned by different persons. [If the verdict of the jury is more favorable to the party excepting than the award of the commissioners, the additional costs accrued by reason of the filing of exceptions and subsequent proceedings shall be taxed against the other party, otherwise such additional costs shall be taxed against the party

excepting. In either event the city shall pay all costs of the proceedings other than the additional costs incurred by reason of filing exceptions.]

(3) An appeal may be taken by either party in interest from the circuit court to the Court of Appeals in the manner, for any of the causes and subject to the rules provided by general laws regulating appeals from circuit courts to the Court of Appeals, but no appeal or supersedeas shall suspend the right of the city to have possession of the property, easement or right of way condemned as provided in KRS 94.720.

Section 71. KRS 95.565 is amended to read:

Any member of the police or fire department of a city of the [second or] third class, who, while a member of the police or fire department, entered the armed forces of the United States, and who was honorably discharged therefrom, shall upon his return to that police or fire department be entitled to the same pension or benefits provided by KRS 95.560, and his benficiaries shall be entitled to the same pension under KRS 95.550, as if the member had remained on active duty with that police or fire department, and his time served in the Armed Forces shall be added to his previous service and shall be construed for purposes of eligibility for pensions or benefits, either for himself or his beneficiaries, as a part and continuation of his consecutive years of service with that police or fire department. [provided] This section shall apply only to those members who served in World War II, who apply for reinstatement within ninety days after the date on which the member first received or could have received an honorable discharge, and shall not apply to those members re-enlisting in the Armed Forces of the United States.

Section 72. KRS 95.700 is amended to read:

(1) The city legislative body in cities of the fourth and fifth classes may, by ordinance, establish a police department, appoint its members, and provide for their number, grades, compensation and regulation.

(2) *Except in cities of the fourth class which have accepted and adopted KRS 95.761 to 95.784,* the term of office of members

of the police department appointed by the city legislative body shall not exceed two years. They shall be subject to removal for cause.

Section 73. KRS 95.710 is amended to read:

To be eligible for appointment as a member of the police force or fire department of a city of the fourth or fifth class, *except cities of the fourth class which have adopted KRS 95.761 to 95.784,* a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-one years of age, able to read and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony *is* [shall be] eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county *is* [shall be] sufficient.

Section 74. KRS 95.760 is amended to read:

In cities of the fourth and fifth classes *except cities of the fourth class which have adopted KRS 95.761 to 95.784,* every member of the police force shall take an oath to faithfully perform the duties of his office, and that he possesses the required qualifications. In cities of the fourth class the oath shall also provide that he will not interfere in any election.

Section 75. KRS 95.850 is amended to read:

(1) The legislative bodies of cities of the third and fourth classes may, in their discretion, pay unto any member of the police or fire departments, in case he is disabled from an injury received while acting in his official capacity and in the line of duty to such an extent as he is unable to execute the duties of his official capacity or pursue a gainful occupation for which he is fitted by training or experience, monthly compensation benefits equal to *the* [said] member's monthly earnings at the time of his injury, so long as his disability continues, but in

no event shall the total amount paid as compensation benefits to any member exceed the sum of five thousand dollars.

(2) The legislative bodies of cities of the third and fourth classes may, in their discretion, in addition to the compensation benefits provided for in subsection (1), pay the member's medical and hospital expenses, but in no event shall the payments therefor exceed the sum of one thousand dollars.

[(3) This section shall be construed to include any member that is disabled to the extent provided for in subsection (1) at the time of enactment of this section due to an injury received under the circumstances provided for in subsection (1) within a period of one year next prior to passage of this section, and all compensation, medical and hospital benefits and payments shall begin as of the effective date of this section.]

(3) [(4)] The testimony of competent medical authorities shall be the sole test as to whether any member is disabled to the extent provided for in subsection (1).

(4) [(5)] This section *is* [shall] not [be] applicable in any city of the third or fourth class which has in operation, pursuant to statute, a pension system for policemen and firemen, under which disability benefits are payable.

Section 76. KRS 96.580 is amended to read:

(1) Before a board or municipality *may* [shall have authority to] condemn an existing electric plant under the provisions of KRS 96.550 to 96.900 [or to enter upon the construction of any duplicating facilities under the provisions of KRS 96.550 to 96.900,] the board shall notify the owner of the existing electric plant, hereinafter referred to as the owner, in writing of its desire to purchase the plant or that portion thereof located or situated within said municipality and of its desire to enter into an agreement as to the value thereof. If no fair and reasonable price and terms of purchase and sale shall be agreed upon between the board and the owner within sixty days after the aforesaid notice has been given the owner, and if either party desires that further efforts to determine a fair price and terms of purchase and sale be made, a board of appraisers consisting of two members shall be appointed, one by the board and the

other by the owner. Such appointments shall be made within thirty days after the expiration of the time given the board and the owner to agree upon the value of the existing electric plant, or that part thereof which the board desires to purchase. Should the two members of the board of appraisers be unable to agree within thirty days after their appointment upon a fair and reasonable price, a third member of the board of appraisers shall be selected by them. In the event the two appraisers cannot agree upon the third member of the board of appraisers, then upon application of either the board or the owner, the Governor of the Commonwealth shall name the third appraiser. The board of appraisers shall consult with the State Public Service Commission in its efforts to arrive at a fair price for the electric plant, and the State Public Service Commission shall make available to the board of appraisers its facilities and any information in its possession bearing on the value of the electric plant. It shall be the duty of the board of appraisers to make a survey of, appraise and submit to the board and the owner in writing, its valuation of the electric plant. The board shall file its written report within six months from the date of the appointment of the first two members. The value fixed by two of the three members of the board of appraisers shall be the finding of the board. In the event two of the three members cannot agree within six months after the appointment of the first two members, the entire first board, unless given further time by agreement between the board and the owner, shall be discharged, and a second board, if desired by both the board and the owner, may be appointed as provided herein, which shall make its final report within six months after the appointment of the first two members thereof. [It shall be the duty of] *T*he board *shall* [to] pay all compensation to the member appointed by it, and [the duty of] the owner *shall* [to] pay all compensation to the member appointed by it, and the board and the owner shall each pay one half of the compensation [which may be] due the third member and one half of all other costs incurred in connection with the work of the board of appraisers. These costs may be included as a part of the purchase price agreed upon. Neither the board nor the owner shall be required to accept the report of the board of appraisers. If the owner fails or refuses to appoint an appraiser or appraisers

as and within the time limits hereinabove provided, the board may proceed to exercise all of the powers granted by KRS 96.550 to 96.900 without waiting for the expiration of all or any part of the time authorized for making the appraisal herein provided for.

(2) After the board *has* [shall have] complied with the provisions of this section, it may proceed in the manner and subject to the terms and conditions [hereinafter] in KRS 96.590 to 96.900 provided to (a) enter into a contract with the owner for the purchase from the owner of the electric plant; *or* (b) institute condemnation proceedings and acquire the electric plant by the exercise of the powers of eminent domain [; or (c) proceed to construct or cause to be constructed an electric plant]. The governing authority of the municipality shall determine which of the [three] courses hereinabove authorized shall be followed by the board.

Section 77. KRS 95.876 is amended to read:

[(1) It is the intention of KRS 95.851 to 95.885 that the fund herein created shall supercede and take the place of the pension fund established under KRS 95.520 to 95.620 inclusive, which sections shall thereafter be without force and effect, in so far as applicable to second class cities, but said sections shall remain in full force and effect as relates to third class cities.

(2) The fund created by KRS 95.851 to 95.885 shall succeed to and assume as of July 1, 1956, all assets of such pension fund, of every kind and character whatsoever, including cash, securities, receivables, accruals. Such transfer of assets shall be made as soon as possible or practicable following the adoption of KRS 95.851 to 95.885. The fund created by KRS 95.851 to 95.885 shall assume as of July 1, 1956, all liabilities and obligations, annuities, pensions, and benefits previously granted and in force under the provisions of the laws of Kentucky.

(3)] The fund [hereby] created *by KRS 95.851 to 95.885* shall continue to make payment of all [such] annuities, pensions, and benefits granted by superseded pension funds at the rates previously fixed and under the conditions previously in effect.

Section 78. KRS 96.630 is amended to read:

The appeal from the county court shall be taken by filing with the clerk of the court to which the appeal lies a statement of the parties to the appeal, and a transcript of the orders of the county court, and thereupon the said clerk shall certify to the clerk of the county court that said appeal has been filed, and the clerk of the county court shall immediately transfer the original papers to the clerk of the court in which the appeal is pending [, and if the owner on his appeal shall fail in the circuit court to increase the amount of damages awarded in the county court, he shall pay all the costs of the appeal; if the damages are increased in the circuit court, the other parties shall pay all the costs of appeal. The same rule as to payment of costs shall apply when the appeal is prosecuted by the parties seeking to condemn the property]. Either party may appeal from the judgment of the circuit court to the Court of Appeals, as provided by the laws governing eminent domain proceedings by railroad companies.

Section 79. KRS 97.250 is amended to read:

(1) The department of public parks and recreation of any city of the first class shall, [from and after the effective date of KRS 97.250 to 97.258, be vested with and] exercise all of the powers and perform all of the functions and duties of any *former* [then existing] board of park commissioners of *the* [such] city, except as [may be] otherwise provided by law or by KRS 97.250 to 97.258. [From and after said date any such board of park commissioners of such city shall cease to exist.] The agents and employes of *the* [said] department of public parks and recreation, except as provided herein, shall be employed and governed in accordance with the merit system, as provided by any law [or laws,] or amendments thereof, and any rules and regulations issued pursuant thereto, authorizing, creating and governing any city board or commission empowered to administer and enforce civil service laws, rules and regulations in and for *the* [such] city.

(2) The department of public parks and recreation of any city of the first class shall be under the supervision and direction of a director to be designated director of parks and

recreation, and shall have exclusive direction, supervision and control of all park property, as herein defined, except as otherwise provided by law or by KRS 97.250 to 97.258 or by ordinance of the legislative body of said city; and shall provide for and supervise all public amusements and recreation in parks, playgrounds, and community centers. The director of *the* [said] department *may* [shall have power to] adopt rules and regulations for the reasonable and proper use, management and control of public park, playground and community center property, and may organize the [said] department for administrative purposes into *the* [such] divisions [as may be] necessary for the proper conduct of the business of said department, and appoint heads or chiefs of *the* [such] divisions, who, under the supervision and control of *the* [said] director, shall have the direction of such divisions.

Section 80. KRS 97.252 is amended to read:

(1) The title to all property with all improvements and equipment acquired for park, airport or aviation field purposes, [owned by the board of park commissioners of a city of the first class at the time KRS 97.250 to 97.258 become effective, is hereby transferred to the city] subject to any existing leases thereof, [and] shall be held by the city in strict and inviolable trust for such public purposes, free from all taxation, imposts or assessments by state, county, district, municipal, or other governmental subdivision; *but* [provided, however, that] the city may use any portion of such property as *is* [may be] necessary and proper for the construction, extension, or widening of streets, boulevards, thoroughfares or other public ways, and may enter into contracts or agreements, with reference to properties acquired for airport or aviation field purposes, for the use of *the* [such] field and airport for aviation purposes, with the United States government or any agency thereof, or any state government or any agency thereof, or any board of aviation established under any Act of the General Assembly of this Commonwealth, or of any other Commonwealth or State, or any individual, firm or corporation. [provided,] *H*owever, it shall at no time and in no way enter into any contract or agreement that prevents its carrying out the main purpose of the establishment and maintenance of a public municipal aviation

field and airport, for the general use of the citizens of *the* [said] city as a park purpose.

(2) Such park property as consists of all connecting parkways and roads or drives between public parks, and all avenues, roads, ways, drives, walks, outside of or on the boundaries of public parks which were or are acquired for park purposes, shall be under the direction, control, maintenance and management of the department of public works of *the* [said] city, and any such property may be declared by resolution of the Board of Aldermen to be a part of the public ways of *the* [said] city.

Section 81. KRS 97.253 is amended to read:

(1) [Upon the effective date of KRS 97.250 to 97.258] *The* employes of any *former* [then existing] board of park commissioners in any city of the first class, except the special park police, shall be [transferred to,] employed by and continued in the service of the department of public parks and recreation. [Said] *The* employes, except as herein provided, *are* [shall then and thereafter be] subject to any law [or laws,] or amendments thereof, or any rules and regulations issued pursuant thereto, governing any city board or commission empowered to administer and enforce civil service laws, rules and regulations in and for *the* [such] city, it being the intent and purpose of KRS 97.250 to 97.258 to make such laws, rules and regulations applicable to *the* [such] offices, positions and places of employment in the department of public parks and recreation. [Provided, however, such employes as are hereby made subject to said law or laws, when so transferred to said department of public parks and recreation, shall be considered as having satisfied all of the qualifications for obtaining original appointments under such law or laws, and shall be considered as having been given probationary appointment, as defined in such law or laws, as of the date they are so placed in the classified service thereunder.]

(2) The following offices, positions, and places of employment in the department of public parks and recreation, to wit: Director of parks and recreation, private secretary to *the* [said] director, golf professionals, golf greensmen, checkers, counter men, locker attendants, caretakers, janitors, janitresses, laun-

dresses, cleaners, tractor and truck drivers, teamsters and stablemen, and laborers, are hereby specifically excepted from the provisions of the [aforesaid] civil service law, [or laws,] rules and regulations. [Provided, however,] *T*he foregoing excepted offices, positions, and places of employment, except the office of director, may hereafter be placed in the classified service, under *the* [said] law [or laws], by the legislative body of *the* [said] city by ordinance.

Section 82. KRS 99.01 0is amended to read:

(1) The following terms, whenever used or referred to in KRS 99.010 to 99.310 shall, unless a different intent clearly appears from the context, be construed as follows:

(a) [The term] "*A*rea" [shall] means a portion of a city which a planning commission has found or shall find to be substandard or insanitary, so that the clearance, replanning, rehabilitation or reconstruction thereof is necessary or advisable to effectuate the public purposes declared in KRS 99.020. An area may include any buildings or improvements not in themselves substandard or insanitary, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.

(b) [The term] "*C*ity" [shall] means and *is* [be] deemed to relate to any city of the first *or second* class in the Commonwealth of Kentucky.

(c) [The term] "*D*evelopment" [shall] means a specific work, repair or improvement to put into effect a development plan. The term [shall] includes the real property, buildings, and improvements owned, constructed, managed, or operated by a redevelopment corporation.

(d) [The term] "*D*evelopment area" [shall] means that portion of an area to which a development plan is applicable.

(e) [The term] "*D*evelopment cost" [shall] means the amount determined by the supervising agency to be the actual cost of the development, or of the part thereof for which such determination is made, and [shall] includes, among other costs,

the reasonable costs of planning the development, including preliminary studies and surveys, neighborhood planning, and architectural and engineering services, the reasonable value of the services performed by or for the incorporators of a redevelopment corporation in connection with the development plan prior to the time when the redevelopment corporation was incorporated or became a redevelopment corporation, fees for acquisition costs, the costs of financing the development, including carrying charges during construction, working capital in an amount not exceeding five percent of development cost, the actual cost of real property or any part thereof where acquired partly or wholly in exchange for securities, then, an amount which shall be approved by the supervising agency as being equal to the reasonable value of the real property acquired therefor, the actual cost of demolition of existing structures, the actual cost of utilities, landscaping and roadways, the actual cost of construction, equipment and furnishing of buildings and improvements, including architectural, engineering and builder's fees, the actual cost of reconstruction, rehabilitation, remodeling or initial repair of existing buildings and improvements, reasonable management and operation costs until the development is ready for use, and the actual cost of improving that portion of the development area which is to remain as open space, together with such additions to development cost as shall equal the actual cost of additions to or changes in the development in accordance with the original development plan or after approved changes in or amendments thereto.

(f) [The term] "*D*evelopment plan" [shall] means a a plan for the redevelopment of all or any part of an area, and [shall] includes any amendments thereto approved in accordance with the requirements of KRS 99.070.

(g) [The term] "*L*ocal legislative body" [shall] means the board of aldermen or other board or body vested by the charter of the city or other law with jurisdiction to adopt or enact ordinances or local laws.

(h) [The term] "*M*ortgage" [shall] means a mortgage, trust indenture, deed of trust, building and loan contract or other instrument creating a lien on real property, and the indebtedness secured by each of them.

(i) [The term] "Neighborhood unit" [shall] means a primarily residential district having the facilities necessary for well-rounded family living, such as schools, parks, playgrounds, parking areas and local shopping districts.

(j) [The term] "Planning commission" [shall] means the official bureau, board, planning and zoning or other commission or agency of the city or city and county authorized to prepare, adopt and amend or modify plans for the development and improvement of the city generally.

(k) [The term] "Supervising agency" [shall] means the director of finance or such other person or city agency as may be authorized by the local legislative body under KRS 99.090.

(l) [The term] "Real property" [shall] includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including right of ways, terms for years and liens, charges, or encumbrances by mortgage, judgment or otherwise.

(m) [The term] "Redevelopment" [shall] means the clearance, replanning, reconstruction or rehabilitation of a substandard or insanitary area, and the provision of such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto.

(n) [The term] "Redevelopment corporation" [shall] means a corporation organized pursuant to the corporation laws of the Commonwealth of Kentucky whose articles of incorporation shall comply with the requirements of KRS 99.100 to 99.130.

(o) [The term] "State" [shall] means the Commonwealth of Kentucky.

(2) [The term] "Owner," as used in KRS 99.220 to 99.240, [shall] includes a person having an estate, interest or easement in the real property to be acquired or a lien, charge or encumbrance thereon.

Section 83. KRS 99.020 is amended to read:

It is hereby declared that in cities of the first *and second* class substandard and insanitary areas exist which have resulted from inadequate planning, excessive land coverage, lack of proper light, air, and open space, defective design and arrangement of buildings, lack of proper sanitary facilities, and the existence of buildings which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have become economic or social liabilities, or both; that such conditions are prevalent in areas where substandard, insanitary, outworn or outmoded industrial, commercial or residential buildings prevail, and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, crime and poverty; that such conditions impair the economic value of large areas, infecting them with economic blight and that such areas are characterized by depreciated values, impaired investments, and reduced capacity to pay taxes; that such conditions are chiefly in areas which are so subdivided into small parcels in divided ownerships and frequently with defective titles, that their assembly for purposes of clearance, replanning, rehabilitation and reconstruction is difficult and costly; that the existence of such conditions and the failure to clear, replan, rehabilitate or reconstruct these areas result in a loss of population by the areas and further deterioration, accompanied by added costs to the communities for creation of new public facilities and services elsewhere; that it is difficult and uneconomic for individual owners independently to undertake to remedy such conditions; that it is desirable to encourage owners of property or holders of claims thereon in such areas to join together, with or without other persons, or other persons to join together, in corporate groups, for the purpose of the clearance, replanning, rehabilitation and reconstruction of such areas by joint action; that it is necessary to create, with proper safeguards, inducements and opportunities for the employment of private investment and equity capital in the clearance, replanning, rehabilitation and reconstruction of such areas; that such conditions require the employment of such capital on an investment rather than a speculative basis, allowing, however, the widest latitude in the amortization of any indebtedness created thereby; that such conditions further require the acquisition at

fair prices of adequate areas, the gradual clearance of such areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings and the redevelopment of such areas under proper supervision with appropriate planning, land use and construction policies; that the clearance, replanning, rehabilitation and reconstruction of such areas on a large scale basis are necessary for the public welfare; that the clearance, replanning, reconstruction and rehabilitation of such areas are public uses and purposes for which private property may be acquired; that such substandard and insanitary areas constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of such cities and the state; that such conditions require the creation of the agencies, instrumentalities and corporations hereinafter described, for the purpose of attaining the ends herein recited; that the protection and promotion of the health, safety, morals, welfare and reasonable comfort of the citizens of such cities and the state are matters of public concern; and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

Section 84. KRS 99.340 is amended to read:

The following words or terms shall have the following meanings wherever used in KRS 99.330 to 99.510, unless a different meaning is clearly indicated by the context:

(1) "Slum area" means an area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, sanitation, or open spaces, high density of population and overcrowding, or any combination of such factors, are unsafe or unfit to occupy, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, injuriously affect the entire area, and constitute a menace to the public health, safety and welfare. A slum area may include lands, structures, or improvements, the acquisition of which is necessary in order to assure the proper clearance and redevelopment of the entire area and to prevent the spread or recurrence of slum conditions thereby protecting the public health, safety, and welfare.

(2) "Blighted area" means an area (other than a slum area as defined in this section) where by reason of the predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, submergency of lots by water or other unsanitary or unsafe conditions, deterioration of site improvements, diversity of ownership, tax delinquency, defective or unusual conditions of title, improper subdivision or obsolete platting, or any combination of such reasons, development of such blighted area (which may include some incidental buildings or improvements) into predominately housing uses is being prevented.

(3) "Redevelopment" means the planning or replanning, design or redesign, acquisition, clearance, development and disposal, or any combination of these, of a development area and the preparation of such area for such residential, commercial, industrial, public, recreational or other structures, works, improvements, facilities or spaces as may be appropriate or necessary. "Redevelopment" and derivatives thereof shall mean develop as well as redevelop.

(4) "Community" means any city or county.

(5) "Mayor" means the mayor or chairman of the board of trustees of a city or the county judge of a county, or the officer thereof having the duties customarily imposed upon the executive head of a city or county.

(6) "Council" means the legislative authority of a city or the fiscal court of a county.

(7) "Redevelopment project" means any or a combination of one or more of the following:

(a) Acquisition of a slum area or a blighted area (as defined in this section);

(b) Demolition and removal of structures and improvements;

(c) Installation, construction or reconstruction of streets, utilities and other site improvements essential to the preparation of sites for uses in accordance with the development plan; and

(d) Making the land available for development or re-

development by private enterprise or public bodies for uses in accordance with the development plan.

(8) "Development area" means the area of a redevelopment project.

(9) "Development plan" means a plan for the redevelopment of all or any part of a development area.

(10) "Agency" means a public corporate body created pursuant to KRS 99.350.

(11) "Public body" means any city, county, commission, district authority or other public body or political subdivision of the Commonwealth.

(12) "Area of operation" means, (a) in the case of a city, the area within *the* [such] city and the area within five miles of the territorial boundaries thereof, except that the area of operation of a city under KRS 99.330 to 99.510 shall not include any area which lies within the territorial boundaries of another city unless a resolution *has* [shall have] been adopted by the council of *the* [such] other city declaring a need therefor; and (b) in the case of a county, the area within the county, except that the area of operation of a county shall not include any area which lies within the territorial boundaries of a city unless a resolution *has* [shall have] been adopted by the council of *the* [such] city declaring a need therefor.

(13) "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(14) "Planning commission" means a city, county or joint city-county planning and zoning commission or a planning commission established pursuant to the provisions of KRS *Chapter 100* [100.031 to 100.990, both inclusive,] having authority and responsibility with respect to the area of the community.

(15) "Bonds" [shall] mean any bonds, notes, interim certificates, debentures, or other obligations.

Section 85. KRS 99.420 is amended to read:

Whenever in the opinion of the agency, land or other property, right of way or easement over or through any property is needed by the agency in order to accomplish the [purpose or] purposes of KRS 99.330 to 99.510, it may by resolution authorize the purchase or condemnation in the name of the agency, of *the* [said] land or other property, or right of way or easement necessary for *the* [such] purpose, and may proceed to condemn and acquire *the* [such] property in the following manner:

(1) The proceedings for condemnation shall be in the circuit court in *the county in* which the property sought to be condemned, or the greater part thereof, lies. The proceeding shall be in the name of the agency. Proceedings shall be commenced by filing a complaint against all persons having an interest in the property, describing the property, right of way (if any) or easement (if any) sought to be condemned, and *the* [which] complaint shall include a request for the court, or a judge thereof if the court is in vacation, to appoint commissioners to assess the value which the owners thereof *are* [may be] entitled to receive. The owners of two or more different properties sought to be condemned for the same purpose may be joined and proceeded against in a single action, but the lands and properties of each shall be separately described.

(2) Upon the filing of the complaint, the circuit court, or a judge thereof, shall, in writing, forthwith appoint three disinterested, impartial citizens and residents of the county, who shall be sworn by the court, a judge thereof, or by any person authorized to administer oaths, to faithfully, fairly and impartially discharge their duties. The order appointing the commissioners shall be filed in the office of the clerk of the circuit court immediately upon its signing, and shall become part of the proceedings as of the date filed. In the event any person so appointed fails, refuses or becomes incapable of acting, the court, or judge thereof, shall forthwith appoint a qualified person to fill the vacancy. A majority of the commissioners appointed and qualified [shall] have the power to act and to make and sign the award and report.

(3) The commissioners shall immediately upon their ap-

pointment take the oath of office, and shall enter in and upon the property, right of way (if any) or easement (if any) sought to be condemned, and shall view same. They may hear evidence or make any inquiry they desire touching the value thereof. They shall award to the owner [or owners] of each parcel of land and property the value thereof. Property owned by the same owner [or owners], which is contiguous and adjacent may be considered as one parcel and may be included by the commissioners under a single award. If less than an entire parcel of contiguous property belonging to the same owner [or owners] is sought to be condemned, the commissioners shall also award to *the* [said] owner *the* [or owners any] incidental damages, if any, resulting to his or their remaining adjacent or contiguous land, considering the purpose [and purposes] for which it is taken, but they shall deduct from the incidental damages, if any, the value of any advantages and benefits that will accrue to *the* [such] remaining adjacent and contiguous land from the proper use of the property, right of way (if any) or easement (if any) for the purposes or uses intended. The award of the commissioners shall promptly be filed by them, in writing, in the office of the circuit clerk, and shall be styled "Report and Award of Commissioners."

(4) Immediately upon the filing of the report and award of the commissioners, the clerk of the circuit court shall cause summons and process to issue against the defendants. The summons shall have attached to it a copy of the report and award of the commissioners and shall be issued in the same form and in the same manner as provided for upon the filing of a complaint under the Rules of Civil Procedure, *except that the* [provided that said] summons shall also contain the notification that exceptions to the report and award of the commissioners must be filed within the same period of time as required for appearance and defense of the complaint. The action and proceedings shall be carried on as nearly as may be as ordinary civil actions at law are conducted. Nonresidents and persons under disability shall be proceeded against as provided by the Rules of Civil Procedure. Defenses and exceptions for nonresidents and persons under disability may be made and filed by any person

authorized to make defense for such persons under the Rules of Civil Procedure.

(5) Any answer or other pleading filed by any defendant in response to the summons shall be confined solely to the question of the right of the agency to condemn the property sought to be condemned, but without prejudice to the right of the defendant, then and thereafter, within proper time, to file exceptions to the amount of compensation awarded in the report and award of the commissioners. Any issue raised in the answer or other pleading filed, putting in issue the right of the agency to condemn the property shall be promptly heard and decided by the court, without a jury. If the court finds the agency has no right to take the property in condemnation for the purpose or uses sought, it shall dismiss the complaint at the costs of the agency.

(6) If answer or other pleading is timely filed putting in issue the right of the agency to condemn the property, the time for filing exceptions to the report and award of commissioners shall automatically be extended to a time not later than ten days after the decision by the court of *the* [said] issue, and if the court decides that the agency does have the right to take the property in condemnation for the purposes or uses sought, [it shall be the duty of] the defendants *shall* [to] file exceptions, should they desire so to do, to the report and award of commissioners within [said] ten days, if same has not theretofore been filed. If the defendants do not file an answer or pleading putting in issue the right of the agency to condemn the property or having filed same is not sustained by the court, and, in either event, if the agency and the defendants do not file exceptions to the report and award of commissioners within the time provided, then the amount of the award set forth in the report and award of commissioners shall become final and not subject to exception or review and shall become and be entered as the judgment of the court setting and fixing the value of the land to be taken, and incidental damages to the remainder, if any. The agency *has* [shall have] twenty days from the filing of the report and award of commissioners to file its exceptions, should it desire so to do, unless answer or other pleading *is* [be] filed by defendants, in which event the agency *has* [shall have]

ten days after the decision by the court on the issue raised by the answer or pleading to file its exceptions. If exceptions are based on the ground that the award of the commissioners is too small or too great, the exceptions must be accompanied by an affidavit of the party excepting, his agent or attorney, stating the amount of the award and damages, if any, the party believes it just and reasonable. For the purpose of appeal, the difference between the amount awarded by the commissioners and the amount the excepting party claims would be just and reasonable shall be the amount in controversy.

(7) If timely exceptions to the report and award of commissioners *are* [be] filed by any of the parties, the matter of the value of the property sought to be condemned shall forthwith be submitted to a jury to determine and assess value and damage, if any, and the case shall be advanced and have preference over other common law cases on the docket. In assessing value and damages, if any, the report and award of the commissioners shall not be permitted to be introduced or become substantive evidence in the case for the consideration of the jury, but nothing shall prevent the commissioners from testifying, subject to the same rules as apply to other witnesses, in which event either party may question the commissioners concerning their report and award. Upon request of any of the parties, the court may, in its discretion, send the jury to view the premises, except that if the property *is* [be] taken under interlocutory judgment, as hereinafter provided, the jury's right to view shall be limited and restricted to the land only, if the buildings and appurtenances thereon and thereto have been removed or substantially altered and changed, and the court shall so instruct the jury. Jurors shall have the same qualifications as jurors in civil cases. They may or may not be residents of the city or governmental division in which the land, or the greater portion thereof, lies, but shall be residents of the county wherein same, or the greater portion thereof, lies. A unanimous verdict of all jurors *is* [shall be] required, but only the foreman of the jury need sign the verdict.

(8) Upon final determination of all issues raised either by answer or other pleading, or by exceptions to the report and award of commissioners, or if no answer, pleadings or exceptions

be filed by any of the parties, the court shall forthwith enter a judgment, which shall be a final judgment, and shall make such orders as *are* [may be] necessary and proper for the conveyance of *the* [such] land, property and rights, if any, to the agency, upon the payment into court through the clerk of the circuit court by the agency of the amount set forth in the [said] judgment of the court, vesting in the agency absolute fee simple title to *the* [said] land, property and rights, if any, [and] as described in the complaint, or any supplement or amendment thereof. In the event the owners fail, refuse or are unable to convey to the agency full and complete fee simple title to *the* [said] land, property and rights, free, clear and unencumbered, the court shall thereupon cause the commissioner of its court, or a special commissioner appointed by the court for that purpose, to execute and deliver to the agency a deed of conveyance therefor, which deed of conveyance shall be executed as nearly as practicable in accordance with the rules governing the conveyance of property by commissioners when sold under order of court, including all the right, title and interest which the defendants and each of them had, or may have had therein. [; provided,] *If*, however [that] the agency, [, if it] has not taken same under interlocutory judgment, *it* may abandon its right to take *the* [said] land, property and rights, if any, and same shall be deemed abandoned by it in the event it does not pay into court within sixty days from the date of the entering of the final judgment, the amount set forth therein as the amount to be paid by the agency for the taking thereof. The bond provided for by Rule 4.11 of the Rules of Civil Procedure shall not apply and be required of the agency in any action for condemnation brought hereunder.

(9) Notwithstanding any other provision of this section, the agency may, prior to the entering of a final judgment, and at any time after the report and award of commissioners is filed in the circuit court, and notwithstanding exceptions have been or may be filed, file a demand for an interlocutory judgment. Copy of *the* [said] demand shall be served upon defendants or their attorney or the person authorized to make defense for any nonresident or person under disability, at least ten days prior to presentment to the court, or a judge thereof, [the demand for

an interlocutory judgment,] in the manner provided by Rule 5 of the Rules of Civil Procedure. The court, or judge thereof, shall thereupon enter an interlocutory judgment granting and awarding to the agency immediate possession and full and complete use and control of the land and property sought to be condemned, and the agency shall thereupon be entitled to take possession thereof and to use and control same, including the right to remove, demolish, raze and do away with all buildings, structures and appurtenances thereon or thereto belonging, without let, hindrance, interruption or interference by the defendants, or anyone claiming under them, as fully as if title had been conveyed to it, and the court, or judge thereof, shall enforce same by appropriate order and proceedings; provided, however, that before any interlocutory judgment is entered, the agency shall pay into the court, by depositing with the clerk of the circuit court, the amount contained and set forth in the report and award of commissioners, and shall at the same time file with the clerk a bond, with surety approved by the court, a judge thereof, or the clerk of the circuit court, conditioned upon the agency paying to the defendants the difference between the sum paid into court, and that which may thereafter be finally determined to be the value of the property or property rights, if any, or incidental damages, if any, unless the agency shall have sufficient sums duly appropriated, properly allocated to that purpose and on deposit to pay for any money judgments, including costs adjudged against the agency, that may thereafter be rendered against it, and *if* [further provided that] such facts are alleged in its complaint or in any supplement or amendment thereto, [in which event] a bond shall not be required of it. If an interlocutory judgment is entered, and no answer, pleading or exceptions have been or are thereafter filed within time by any of the parties, final judgment shall be entered as provided for in subsection (8). If answer, pleading or exceptions are filed, the case shall proceed as provided for in cases where no interlocutory judgment has been demanded and entered, and wherein answer, pleading or exceptions are filed, and the interlocutory judgment shall remain in full force and effect. If the final judgment is greater than the amount paid into court by the agency under the report and award of the commissioners, the agency shall thereupon pay into court by depositing with the

clerk of the circuit court the difference between the amount paid by the agency under the interlocutory judgment and the amount finally determined by the final judgment to be the value. If the difference be less, then the court shall direct the clerk to return and refund the difference to the agency out of the amount paid into court under the interlocutory judgment, if said sum has not been withdrawn by the defendants, or if withdrawn by the defendants, the court shall enter judgment in favor of the agency against the defendants and their surety for said difference, together with interest at six percent per annum on the amount of the decrease from the date of withdrawal. The defendants, upon the payment by the agency into court of the amount set forth in the report and award of the commissioners, may, upon written demand, a copy of which shall be served upon the agency or its attorney at least ten days prior to withdrawal of the funds, subject to approval by the court, withdraw from the clerk of the circuit court the [said] amount, provided defendants execute a bond, with surety approved by the court, or a judge thereof, conditioned upon the payment to the agency by the defendants of any amount which may be determined to be the difference between the amount paid into court by the agency and the final judgment in the case, should it be finally determined that the amount paid into the court by the agency was greater than the amount set forth in the final judgment, [and/] or that the defendants receiving the funds were not the proper persons to receive same. The withdrawal of the amount by the defendants shall not prejudice or prevent defendants from filing answer, pleading or exceptions in the case, or from pursuing same if already filed, or taking any appeal, the same as if no withdrawal had been made. If defendants withdraw the amount paid into court by the agency, they shall be entitled to interest at six percent per annum from the date of the taking of possession by the agency only on the amount by which said sum may thereafter be increased. If defendants do not withdraw the amount paid into court by the agency, they shall be entitled to interest at six percent per annum from the date of the taking of possession by the agency only on the amount determined by the final judgment to be the value and amount defendants are entitled to receive for the land and property taken. The demand for an interlocutory judgment

and the entering thereof is an additional remedy and right granted the agency, and the case shall continue and be disposed of in the same manner as if no interlocutory judgment had been demanded or entered.

(10) All money paid into court, or to the clerk of the circuit court, whether under an interlocutory judgment or a final judgment shall be received and held by the clerk subject to the order of the court, and the clerk and his sureties on his official bond shall be responsible to the persons entitled thereto.

(11) Where there are conflicting interests and claims in land and property sought to be condemned and all such parties are before the court, the claims and equities of any claimant and owner shall be decided by the court or jury, as the case may be, and the funds paid into court under an interlocutory judgment or final judgment shall be subject thereto. Such claims or determination of rights shall in no wise stay or delay said condemnation proceedings.

[(12) Action filed prior to June 16, 1960, shall proceed and be concluded in accordance with the provisions of KRS 99.420 in effect at the time of the filing of the action, and for such purpose only, same shall be deemed to continue in effect.]

(12) [(13)] If more than one piece of property is involved, owned by different persons, the jury shall render a separate verdict as to the property of each person, or the court may direct a separate trial for each piece of property owned by different persons. [If the verdict of the jury is more favorable to the party excepting the award of the commissioners, the additional costs accrued by reason of the filing of exceptions and subsequent proceedings shall be taxed against the other party, otherwise such additional costs shall be taxed against the party excepting. In either event the agency shall pay all costs of the proceedings other than the additional costs incurred by reason of filing exceptions.]

(13) [(14)] An appeal may be taken by either party in interest from the circuit court to the Court of Appeals in the manner, for any of the causes and subject to the rules provided by general laws regarding appeals from circuit court to the

Court of Appeals, but no appeal or supersedeas shall suspend the right of the agency to have possession of the property, easement or right of way condemned. Such appeals shall be advanced on the docket of the Court of Appeals.

(14) [(15)] A slum area or blighted area acquired for a housing project by the housing commission of the community may be included in a redevelopment area and the use of such area for redevelopment shall be a public use as though such area were originally acquired for a redevelopment project.

Section 86. KRS 103.100 is amended to read:

All funds derived by the cemetery shall be deposited to the credit of the *board* [commission] in some bank to be designated as depository by the [city] legislative body of the city, to be drawn upon by the chairman of the board of commissioners and countersigned by the treasurer of the city.

Section 87. KRS Supp. (1966) 103.320 is amended to read:

(1) Any and all bonds shall have and are hereby declared to have in the hands of bona fide holders all of the qualities of negotiable instruments under the law merchant, and *are* [shall] not [be] subject to taxation. In case any of the officers whose signatures or countersignatures appearing on the bonds or coupons [shall] cease to be such officers before the delivery of *the* [such] bonds, *the* [such] signatures or countersignatures shall never the less be valid and sufficient, for all purposes the same as if they had remained in office until [such] delivery.

(2) *The* [Such] bonds may be exchanged, at not less than par [for par] with the holders of presently outstanding courthouse holding company bonds, when for any reason it is impossible to call *the* [said] bonds for redemption, or for any other reason it is more practical or desirable to effect *the* [such] exchange. If *the* [said] bonds are not exchanged they shall be sold in such manner and upon terms as the fiscal court [shall] deems for the best interest of the county, at public sale, to the highest and best bidder, upon sealed bid, after publication of an advertisement of such sale pursuant to KRS Ch. 424.

(3) *The* [Such] bonds when issued shall be payable from

the revenue funds derived from such buildings as provided in KRS 103.370 and 103.380 and shall not constitute an indebtedness of *the* [such] county within the meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of *the* [such] bond that the same has been issued under the provisions of KRS 103.290 to 103.410 and that it does not constitute an indebtedness of *the* [such] county or the Commonwealth of Kentucky within the meaning of any constitutional provisions or limitations.

Section 88. KRS 104.040 is amended to read:

(1) Before any city [shall] undertakes the construction, acquisition or improvement of any flood control system, its governing authority shall enact appropriate ordinances which shall (a) set forth a general or brief description of the system, its location and the plan and method of establishing and operating it; (b) designate the particular method or plan to be followed as described in KRS 104.030; (c) state an estimate of the probable cost thereof; (d) order the construction, acquisition, extension or improvement of the same; (e) direct that bonds be issued pursuant to the plan adopted and the provisions of KRS 104.020 to 104.160 in *the* [such] amount [as may be] found proper, necessary or convenient in the premises to accomplish the purposes of the project.

(2) Before the adoption of the [foregoing] ordinance or any amendment thereof which affects the substance, a notice shall be given in the manner provided for publication of ordinances specifying a time and place for a public hearing, *pursuant to KRS 424.130* [the time being not less than ten days after the first publication or posting of said notice,] at which time and place all parties in interest may appear before the municipal authorities and may be heard as to whether or not *the* [said] ordinances shall be adopted. At *the* [such] hearing all exceptions and suggestions shall be heard and the governing authority shall take such action as it deems proper in the premises. [; provided, however, that] *If* after *the* [such] hearing, written protest is filed by forty percent or more of owners of real estate situated in that part of the area receiving benefits by the proposed flood control system or improvement, the governing body

of the city shall not take further action, unless two-thirds of the members voting thereon assent thereto.

Section 89. KRS 105.120 is amended to read:

All work to be done, or supplies or materials to be purchased, in carrying out the purposes of KRS 105.050 to 105.180, when involving an expenditure of *one thousand* [five hundred] dollars or more, shall be, by contract, awarded to the lowest and best bidder, but the commission shall have the right to reject any bid; and it is also empowered to do any part [or parts] of *the* [such] work, under [such] conditions [as] it [may] prescribes, by day labor, or by other non-contract method whenever the superintendent of construction, in writing, [shall] recommends that course, or whenever, in its judgment, this is the best method to pursue. This section shall not be construed, however, as limiting the power of the commission in the employment of architects, employes, clerks, or agents, as provided in KRS 105.060.

Section 90. KRS Supp. (1966) 108.040 is amended to read:

(1) The director shall be appointed by the council and shall serve at their pleasure; *but* [provided, however,] the director shall not be removed unless he has received from the council a notice of intention to remove him and the reasons therefor and unless a public hearing has been held on the charges. The director shall, as the chief executive officer of the district, appoint and remove heads of departments of the district, with the approval of the council, appoint and remove other employes of the district, supervise their activities, and fix their compensation, subject to regulations adopted by the council. He shall receive *the* [such] compensation [as may be] fixed by the council. No residence qualification shall be required of the director. [Any person holding the office of director by election as of June 18, 1964, shall continue in office until the expiration of the term.] In the event of a vacancy in the office of the director, it shall be filled by appointment by the council.

(2) The council shall designate a qualified administrative officer of the district to assume the duties and authority of the

director during periods of temporary absence or disability of the director.

Section 91. KRS 117.765 is amended to read:

In addition to the compensation and expenses allowed him as a member of the State Board of Elections [Commissioners], each member of the *board* [State Board of Registration and Purgation] shall be paid for his services under KRS 117.600 to 117.895, a reasonable sum [to be] fixed by the Commissioner of Finance, and, in addition, his expenses in attending *the* board meetings. The compensation shall be paid out of the State Treasury upon requisition signed by the chairman of the board and approved by the Commissioner of Finance. The board may purchase supplies and equipment necessary to carry out the provisions of KRS 117.600 to 117.895.

Section 92. KRS Supp. (1966) 117.795 is amended to read:

(1) In counties containing a first-class city, each member of the county board of registration and purgation shall receive compensation of not less than $1200 per year, the exact amount to be fixed by the fiscal court and paid monthly. In all other counties, each member of the county board, and the secretary thereof, shall receive compensation of fifteen dollars per day for each day in session, and in addition, the secretary may receive compensation for fifteen days while the board is not in session. The compensation of members of county boards of registration and purgation in counties other than those containing a city of the first class shall be paid one-half by the fiscal court and one-half by the state. No board member shall be paid for more than thirty-four days in each year.

(2) The county board of registration and purgation shall meet:

(a) Not more than ten days each year in counties having less than ten thousand population;

(b) Not more than sixteen days each year in counties having a population of not less than ten thousand nor more than fifteen thousand;

(c) Not more than twenty-five days each year in counties

having a population of not less than fifteen thousand nor more than twenty thousand;

(d) Not more than thirty-four days each year in counties having more than twenty thousand population that do not have a city of the first class, for five days after the closing of registration books before each primary election, for five days after the closing of registration books before each general election for twenty-days at any other time of the year when the registration books are open, provided that no part of the twenty-day period shall occur later than seventy-nine days before the May primary election or the general election, and for the performance of the duties set out in KRS 117.850, for two days after the registration books are opened following each primary election.

(3) In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election, but in all counties the purgation must be concluded at least twenty days before any primary or general election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meetings are given written notice of its time and place.

(4) If any county board fails to meet as herein required and fails to make a diligent effort to effect an adequate purgation, then any citizen of the county may prefer charges against said board before the state board, which charges shall be heard and disposed of within five days after notice has been given to the county board [for five days]. If after the hearing the state board determines [d] that the county board has failed to make a diligent effort to effect an adequate purgation, the state board shall direct the county board to act, and in the event the county board fails to act within fifteen days, the state board shall declare all positions on the county board vacant and appoint a new board. If the state board fails to act on *the* [said] charges as herein provided then *the* [said] citizen may apply for a summary mandatory order to the circuit court judge of the county.

Section 93. KRS 118.390 is amended to read:

(1) If no contest is filed, the county board of election commissioners shall return the keys to the ballot boxes to the county clerk at the expiration of fifteen days after the count is completed. If a contest is filed, the board shall hold the keys subject to the orders of the court trying the contest.

(2) When the county board of election commissioners has completed the count of the votes and has executed the required certificates, it shall deliver the stub books containing the returns, together with the undestroyed ballots, enclosed in an envelope, to the county clerk.

(3) The stub books, secondary stubs, ballots, tally sheets, linen envelopes and voters' affidavits shall, after the results of the election have been certified, remain in the office of the county clerk as a part of his records for a period of six months. If at the expiration of [the said] six months there is no contest, recount or criminal prosecution pending involving the same, the clerk shall *at the end of the six months' period above referred to, or when authorized by the circuit judge of the county, sell the material for the best price obtainable and pay the proceeds into the county treasury, after taking proper precautions to see that no information as to how any voter has voted can be obtained from examining such material. If no sale can be made the material shall be destroyed.* [deliver the same to the appropriate authority for use in supplying paper needed in National Defense.] If a contest, recount or criminal prosecution is pending at the end of the six months' period, the clerk shall make a similar disposition of *the* [such] material when authorized by order of the judge of the court in which the proceeding or prosecution is pending. [After the termination of the present National Emergency the clerk shall, at the end of the six months' period above referred to, or when authorized by the circuit judge of the county, sell the material for the best price obtainable and pay the proceeds into the county treasury, after taking proper precautions to see that no information as to how any voter has voted can be obtained from examining such material. If no sale can be made the material shall be destroyed.]

Section 94. KRS 118.400 is amended to read:

(1) The county board of election commissioners shall issue certificates of election where the successful candidate was voted for by a county or by a district less than one county. The board shall forward the certificate to the elected candidate, unless he has failed to comply with KRS *123.065 to 123.101* [123.060, 123.070 or 123.080]. If the board finds that two or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

(2) In the case of offices voted for by the state at large or by a district greater than one county, and in the case of public questions submitted to the vote of the people of the state at large or of a district greater than one county, the county board of election commissioners shall make out duplicate certificates of the total number of votes received by each of the candidates for such offices, and the total number of votes for and against each of such questions. The county clerk shall keep one of the certificates in his office. He shall not later than three days after receiving such certificates from the board, forward the other certificate by mail to the Secretary of State, who shall deliver it to the State Board of Elections [Commissioners].

Section 95. KRS Supp. (1966) 118.420 is amended to read:

(1) The State Board of Elections shall issue certificates of election where the successful candidate was voted for by the state at large or by a district greater than one county.

(2) The State Board of Elections shall meet, to count and tabulate the votes received by the different candidates as certified to the Secretary of State under KRS 118.400, when the returns are all in, or on the third Monday, after the election whether they are in or not, but if all the returns are not made, the right to contest an election shall not be impaired. Any two of the members of the board may act in the absence of the third. The board shall make out the certificates of election in the office of the Secretary of State, from the returns made. The board shall make out duplicate certificates of election, in writing, over the signatures of its members. The board shall forward the orig-

inal certificate, by mail, to the elected candidate, unless he has failed to comply with KRS *123.065 to 123.101* [123.060, 123.070 or 123.080]. The duplicate shall be retained in the office of the board. In the case of the election of a Representative in Congress, an additional certificate shall be made and sent, by mail, to the clerk of the House of Representatives.

(3) The Secretary of State, immediately after the comparison of the returns, shall cause a statement therefrom of the votes given in every county for each candidate to be published pursuant to KRS Ch. 424.

(4) The certificate of election shall be issued to the candidate receiving the highest number of votes in the territory from which the election is to be made. If two or more persons are found to have received the highest and an equal number of votes for the same office, the election shall be determined by lot in such manner as the board directs, in the presence of not less than three other persons. In the case of elections for electors of President and Vice President of the United States, the board shall issue a certificate of election to each elector of the political party or organization whose candidates for President and Vice President received the highest number of votes and the determination by the board that the candidates of any political party or organization for President and Vice President have received the highest number of votes shall constitute a determination that the electors nominated by that party have been elected.

Section 96. KRS 118.430 is amended to read:

(1) Whenever an amendment to the Constitution has been adopted by the General Assembly, the Governor, Attorney-General and Secretary of State shall cause the proposed amendment to be published at least four times in two newspapers of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication shall be made so that the last publication will be at least ninety

days preceding the election at which the amendment is to be voted on.

(2) The Attorney-General shall state the substance of the amendment in the form of a question in a manner calculated to inform the electorate of the substance of the amendment, and shall certify the question to the Secretary of State for inclusion upon the ballot. The Secretary of State, not less than fifty days before the next regular election at which members of the General Assembly are to be chosen, shall certify the substance of the amendment, as stated and certified by the Attorney-General, to the county clerk of each county, and the county clerk shall have the substance of the amendment, as so certified, indicated on the ballot as provided in KRS 118.170.

(3) The votes cast for and against the amendment shall be counted, canvassed and certified to the State Board of Elections [Commissioners] in the same manner as the votes cast for any officer elective by the votes of the whole state. If a majority of the votes cast on the question are for the amendment, it shall become a part of the Constitution. The result of the vote shall be published by the Secretary of State *pursuant to KRS Ch. 424* [in two daily newspapers of general circulation published in this state].

(4) The expenses of the publications provided for in this section shall be paid as are the expenses of other publications that the Secretary of State is required to make in connection with elections.

Section 97. KRS 118.450 is repealed and reenacted to read:

(1) The printing and delivery of ballots and cards of instruction to voters shall, in city elections, be paid for by the city. In all other elections, the printing of the ballots and cards of instruction for the voters in each county, and the delivery of them to the several voting precincts, shall be paid for by the county.

(2) The cost of all elections held in any county shall be allowed by the fiscal court and paid by the county treasurer except as otherwise provided by law.

(3) When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, as provided in this section or in any other section requiring the county to pay the cost of an election, the county treasurer shall certify the amount of such expenses, indicating each item of expense separately, together with a statement of the number of precincts in the county, the date and kind of election to the Department of Finance. Upon receipt of *the* [such] certification and upon being satisfied as to the correctness thereof, the Department of Finance shall issue its warrant upon the state treasurer in favor of the county treasurer for one half of the amount of *the* [such] expenses but not exceeding in any event an amount equal to twenty dollars for each precinct in the county. All sums paid under this section shall be in addition to any sum paid by the state for ballot paper in elections.

(4) Each county shall acquire voting machines meeting the specifications of KRS 125.040 for each precinct [in which such machines are not already in use, no later than the primary election in 1963; provided, however, that (a) counties containing a population of 21,000 or more shall acquire voting machines for each precinct therein prior to the primary election in 1961; (b) counties containing a population of over 13,000 and less than 21,000 shall acquire voting machines for each precinct therein prior to the primary election in 1962; and (c) counties containing a population of 13,000 or less shall acquire voting machines for each precinct therein prior to the primary election in 1963; provided, however, that nothing contained herein shall be construed to prevent a county from acquiring voting machines prior to the general election in November, 1960].

(5) In all counties where voting machines are used, the cost of elections shall be certified by the county treasurer to the Department of Finance in the same manner as set out in subsection (3) of this section, except that for each precinct where voting machines are used and so certified, the sum of fifty dollars shall be allowed to the county.

(6) Any county failing to acquire voting machines in some manner [prior to the time herein required] shall [thereafter] be prohibited from receiving any of the payments provided for

in subsections (3) and (5) of this section until *the* [such] machines have been acquired.

(7) Payments to any county under the provisions of subsections (3) and (5) of this section shall be terminated if and whenever it [shall] fail*s* to renew a lease, contract, or lease and option with the State Property and Buildings Commission executed in connection with the acquisition of voting machines by *the* [such] commission for the use of such county; and [such] payments to any county shall be terminated whenever such county [shall] fail*s* to pay any part of the rentals required for any effective period of *the* [such] lease.

Section 98. KRS 122.010 is amended to read:

In any contest over the nomination or election of any state, county, city or district officer, it may be alleged in the pleadings of the contestant that the provisions of KRS 123.010, [or of KRS] 123.030, *123.040 or* [to] 123.110 have been violated by the contestee or by others in his behalf with his knowledge, and it may likewise be alleged in the pleadings of the contestee that such provisions have been violated by the contestant or by others in his behalf with his knowledge. If it appears upon the trial of the contest that such provisions have been violated by the contestant or by others in his behalf with his knowledge, the contest action shall be dismissed and the contestant shall have no further right to maintain the same. If no such violation by the contestant, or by others in his behalf with his knowledge, appears, and it appears that such provisions have been violated by the contestee or by others in his behalf with his knowledge, the nomination or election of the contestee shall be declared void. In the case of primary elections, if any candidate who is a party to the contest proceedings has not violated the provisions of KRS 123.010, [or of KRS] 123.030, *123.040 or* [to] 123.110, and all candidates who received more votes than he did are also parties and are found to have violated those provisions, such candidate shall be declared nominated.

Section 99. KRS Supp. (1966) 131.370 is amended to read:

(1) Any party aggrieved by any final order, decision, or determination of the Kentucky Board of Tax Appeals, except on

appeals from a county board of supervisors, may within thirty days after such order, decision, or determination becomes final file a petition of appeal on any question of law to the Franklin Circuit Court or to the circuit court of the county in which the party aggrieved resides or conducts his place of business. Any such final orders entered on the rulings of a county board of supervisors may be appealed in like manner to the circuit court of the county in which the appeal originated. *All parties to the proceedings before the Board of Tax Appeals shall be made parties to the proceedings on appeal.* A copy of the petition of appeal shall be filed with the board and all other parties against whom the appeal is prosecuted.

(2) The petition shall state fully the grounds upon which a review is sought, and assign all errors relied on. Summons shall issue upon the petition directing the adverse party to file answer within twenty days after service thereof and directing the board to send its entire original record, properly bound, to the clerk of the circuit court, after certifying that such record is its entire original record, which shall be filed by the clerk of the circuit court and such record shall then become and be considered by the circuit court on the review.

(3) No new or additional evidence may be introduced in the circuit court except as to the fraud or misconduct of some person engaged in the administration of *the revenue laws* [KRS 131.110, 131.310 to 131.370, 132.140, 132.460, 132.620, 133.120, 133.150 to 133.185, 133.215, 133.220, 137.160, 138.165, 138.195, 138.340, 138.354, 138.355, 138.729, 138.990, 186.070, 186.076, and 365.370] and affecting the order, ruling or award, but the court shall otherwise hear the cause upon the record as certified by the board and shall dispose of the cause in summary manner, its review being limited to determining whether or not:

(a) The board acted without or in excess of its powers;

(b) The order, decision, or award was procured by fraud;

(c) The order, decision, or award is not in conformity to the *law*; [provisions of KRS 131.110, 131.310 to 131.370, 132.140, 132.460, 132.620, 133.120, 133.150 to 133.185, 133.215, 133.220, 137.160, 138.165, 138.195, 138.340, 138.354, 138.355, 138.729, 138.990, 141.124, 186.070, 186.076, and 365.370;] and

(d) If findings of fact are in issue, whether such findings of fact support the order, decision or award.

(4) The court shall enter judgment affirming, modifying, or remanding the order in its discretion. The court may, before judgment, upon the showing of sufficient cause, remand the entire matter to the board for further consideration.

(5) Any party may appeal to the Court of Appeals as provided by the Rules of Civil Procedure.

Section 100. KRS 132.050 is amended to read:

An annual tax at the rate of ten cents on each one hundred dollars of the fair cash value, based upon the assessed value as of [January 1, 1948, January 1, 1949, January 1, 1951 and on] January 1 of each year [thereafter], of all items of direct or contingent indebtedness of customers to brokers making purchases or sales of securities for them in margin transactions shall be paid by such brokers.

This tax shall be for state purposes only, and in lieu of all other ad valorem taxes by the state or by any county, city or other taxing district on such indebtedness to brokers. The assessment, equalization and collection of the tax shall be governed by the general laws applicable to intangible personal property other than that referred to in KRS 132.060.

Section 101. KRS 132.060 is amended to read:

(1) Every broker maintaining an office or place of business in this state for the conduct of the business of buying or selling stocks, bonds or other securities for customers in margin transactions shall report to the Department of Revenue as of [July 1, 1949, January 1, 1951 and] January 1 of each year [thereafter], the aggregate amount, with an accurate description and the market value, of all such securities then held or carried by such broker for each office or place of business in the state for resident customers, which report shall be filed with the department on or before [October 1, 1949, March 1, 1951 and] March 1 of each year [thereafter].

(2) If the broker has doubt as to whether or not a customer is a resident of this state, he may, on or before making the re-

quired report, call upon the customer to submit an affidavit upon a form to be prescribed by the department, stating the facts relied upon to establish his nonresidence. The broker may then report to the department the name and post office address of such customer and the information as to securities held or carried for him, and file therewith the customer's affidavit. The broker shall then be relieved from making any further report and from collecting or paying any taxes for the customer.

(3) If the customer fails or refuses to furnish the affidavit required by the broker, the broker shall report and pay the tax for the customer, who shall then have no claim against the broker because of the payment of the tax charged to the customer's account.

Section 102. KRS 132.120 is amended to read:

(1) The Secretary of State shall certify to the county clerk of each county, not less than twenty days before the next general election, the substance of the Act or the parts of the Act that are to be voted upon, and the county clerk shall have the same, as certified by the Secretary of State, indicated on the ballot. Spaces shall be provided upon the ballot in which the elector shall designate his vote by a cross mark placed opposite the word "Yes" or "No." The votes cast for and against the measure shall be counted, canvassed and certified to the State Board of Elections [Commissioners] in the same manner as the votes upon Constitutional amendments.

(2) If it is found that a majority of votes cast on the measure are in favor thereof, the Act or the part of the Act voted upon shall become effective. The result of the vote shall be published by the Secretary of State *pursuant to KRS Ch. 424* [in two daily papers of general circulation published in this state]. The expense of the publications required by this section and by KRS 132.110 shall be paid as the expense of other publications that the Secretary of State is required to make in connection with elections.

Section 103. KRS Supp. (1966) 132.200 is amended to read:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing

district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowls;

(3) Capital stock of *savings* [building] and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse [loan or] loans thereon granted by the United States Government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents on each one hundred dollars of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents on each one hundred dollars of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(6) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises *of* [or] corporations or of the shares of banks, trust companies or combined banks and

trust companies doing business in this state, or domestic life insurance companies.

Section 104. KRS 132.270 is amended to read:

Every person engaged in the business of receiving property in pledge or as security for money or other things advanced to pawners or pledgers shall return under oath, the fair cash value of all property so pledged and held on [July 1, 1949, except that all intangible property referred to in KRS 132.220 so pledged and held shall be reported and valued as of January 1, 1949; and thereafter beginning with the year 1951 all property so pledged and held shall be reported and valued as of] January 1 of each year. Taxes shall be assessed on the value of such property to the person holding it as on other property owned by him and he shall have a lien on the property to secure the amount of tax due.

Section 105. KRS 132.520 is amended to read:

(1) Every bank, trust company, combined bank and trust company, and real estate title insurance company doing business in this state shall, by [August 1, 1949, February 1, 1951 and] February 1 of each year [thereafter], unless the time is extended by the Department of Revenue, file with the department a report sworn to by its president, vice-president, treasurer or cashier, showing [respectively] as of [January 1, 1949, January 1, 1951 and thereafter on] January 1 of each year:

(a) A list of the notes, bonds, or other evidences of indebtedness secured by mortgage or other recorded instrument standing in its name of record that it has assigned or transferred during the preceding year without making a transfer of record, the amount of each, and the name and address of the person to whom each was assigned. Where the name and address of the transferee holding the securities on January 1 of any year is given, any previous transfers of the securities during that year need not be furnished.

(b) A list of the mortgages standing in its name on January 1 that were assigned of record to it during the preceding year with its knowledge and consent, where it has not become the absolute owner of the debt secured thereby, showing the amount of each such mortgage and the name and address of each assignor.

Any mortgage assigned to it during any year and paid and released of record prior to January 1 need not be included in the report.

(c) A list of all debenture bonds, collateral trust bonds, notes, certificates and other evidences of indebtedness issued, assigned or transferred by it during the preceding year that are secured by and represent the beneficial interest in stocks, lien notes, bonds or mortgages standing in its name of record, the amount of each such evidence of indebtedness, and the name and address of the person to whom each was assigned or transferred. Where the name and address of the transferee holding the securities on January 1 of any year is given, any previous transfer or assignment of the securities need not be furnished.

(d) A list of all stocks, lien notes, bonds, mortgages, certificates and other evidences of indebtedness that it has assigned or transferred to any person as security for the issuing of any debenture or collateral trust bonds, the amount of each, and the name and address of the person to whom each was assigned.

(2) The reports required under paragraphs (a) and (b) of subsection (1) of this section need not include sales or pledges from one bank, trust company or combined bank and trust company to another [such] bank or company, or notes or obligations secured by any recorded instrument executed to a bank, trust company or a combined bank and trust company in which the obligations secured by the instrument are divided among estates or accounts in charge of the bank or company and regularly and properly entered on its records. The provisions of this section do not apply to mortgages made by corporations to trustees to secure bond issues made by them in the regular course of business, except as provided in paragraph (c) of subsection (1) of this section.

(3) The information thus obtained shall be communicated by the department to the county tax commissioner and the board of supervisors of the respective counties in which the true owners of the debts reside.

Section 106. KRS 133.030 is amended to read:

(1) The board of supervisors shall convene at the county

seat on the [first week day in May in 1954 and on the] second Monday in May in each year [thereafter]; except that no meeting shall be held until the tax roll has been completed and until after the inspection period provided by law. All records of the county tax commissioner shall be available to the board of supervisors while meeting.

(2) The board of supervisors shall continue in session until all appeals are heard and decided; except that it shall not continue in session more than [ten days after it convenes in 1954 nor more than] five days after it convenes in each year [thereafter;] unless an extension of time is authorized by the Department of Revenue upon request of the county judge. Each supervisor shall be paid ten dollars for each day he serves, except that if the board consists of more than three members, each supervisor shall be paid five dollars for each day he serves. This compensation shall be paid one-half out of the county levy and the other half out of the State Treasury.

Section 107. KRS 134.380 is amended to read:

(1) The Commissioner of Revenue may act in the name of and in behalf of the state and in the name of and in behalf of any and all counties, school and other taxing districts in the state, except cities, to institute and prosecute any action or proceeding for the collection of delinquent taxes and the assessment of omitted property. [All power and authority heretofore or now vested in revenue agents, auditor's agents, sheriffs and other state, county or district agents or officers relating to the bringing or prosecution of actions or proceedings for the purposes contemplated by this subsection are transferred to and vested in the commissioner.]

(2) The commissioner may employ field agents, accountants and attorneys to prosecute all such actions and proceedings, and may fix their compensation, including the payment of their necessary expenses. Their employment and compensation shall be approved by the Governor in writing. The commissioner shall prosecute diligently, or cause to be prosecuted by field agents, accountants and attorneys employed by him, the collection of all delinquent taxes due the state.

(3) Nothing contained in this chapter shall prevent the Commissioner of Revenue [or the Kentucky Tax Commission] from assessing any property in accordance with the provisions of KRS 136.020, 136.030, 136.050, 136.120 to 136.180 or 136.270.

(4) The Department of Revenue may require any reports necessary to administer the law in connection with the collection of delinquent taxes, and may promulgate rules and regulations as to how the tax bills, certificates of delinquency and other forms shall be filed and recorded. The department shall require an index to be kept of all certificates of delinquency.

Section 108. KRS Supp. (1966) 136.381 is amended to read:

In the event any insurer [shall] dissolves or retires from this state, either voluntarily or involuntarily, during any calendar year, *the* [such] dissolution or retirement shall not defeat or excuse the filing of reports and assessment and collection of taxes imposed by *KRS 136.330 to 136.400, 299.530, 304.465, and 342.450* [this Act], with respect to premiums written or deposits held during that part of the calendar year prior to *the* [such] dissolution or retirement from this state.

Section 109. KRS Supp. (1966) 137.010 is amended to read:

[(1) As used in KRS 137.040 to 137.110, unless the context otherwise requires:

(a) "Restaurant" means and includes all places or establishments in which hot food or hot drink, or both, is served to the general public.

(b) "Soft drinks" means any beverage of less than one-half of one percent alcohol, whether bottled or from a fountain.

(c) "Theater" means any building in which moving pictures, vaudeville, musical entertainment, or plays are regularly given. Open air or drive-in theaters are to be considered theaters for the purposes of this chapter.

(d) "Tobacco products" means and includes such things as cigarettes, snuff, cigars, smoking tobacco and chewing tobacco, by whatever name called, but does not include nicotine or any by-product of tobacco that is used for medicinal, chemical or manufacturing purposes.

(2)] As used in KRS 137.340 to 137.410 and in subsection (5) of 137.990, unless the context requires otherwise:

(a) "Coin machine" or "coin-operated amusement and vending machine" shall mean and include any lawful coin or token operated machine or device which contains no element of chance and which as a result of depositing a coin, token or other object automatically by or through some mechanical operation affords music or amusement of some character with or without vending any merchandise, but in addition to any such merchandise. Such coin-operated amusement and vending machine shall not include any bona fide merchandise vending machine in which there is incorporated no amusement features.

(b) "Token" shall include chips, checks or other articles which may be used to operate a coin machine.

(c) "Department" shall mean the Department of Revenue.

(d) "License stamp" shall mean any permanently fixed stamp evidencing payment of the tax, and prescribed by regulation of the department.

(e) "Person" shall include an individual or an unincorporated association, including a partnership, a limited partnership, or any other form of unincorporated enterprise owned by two or more individuals, or a corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to a partnership, limited partnership, or any form of unincorporated enterprise, shall mean the partners of members thereof, and as applied to corporations, the officers thereof.

[(f) "Itinerant operator" means any person who shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 for a period not exceeding ten consecutive days in any one county.]

Section 110. KRS 147.610 is amended to read:

In any two or more adjacent counties, one of which has a city having a population of more than 50,000 and not more than 200,000 inhabitants as declared by the last federal census, the various cities and the counties may consolidate their planning operations by establishing an area planning commission which

may be created under the provisions of KRS *Ch. 100* [100.610 to 100.710], when in the judgment of the legislative bodies of *the* [said] cities and counties a consolidation provides for a more efficient planning operation.

Section 111. KRS Supp. (1966) 148.230 is amended to read:

(1) All governmental agencies of the Commonwealth of Kentucky are authorized to cooperate with The Breaks Interstate Park Commission created by the compact approved by KRS 148.220, it being the policy of this Commonwealth to perform and carry out the compact and to accomplish the purposes thereof.

(2) The *Department of Finance is authorized to allot funds appropriated by the General Assembly and the* State Property and Buildings Commission is authorized to make appropriations to the Breaks Interstate Park Commission for the same purposes it is authorized to make expenditures for other state agencies. *Either t*[T]he *State Property and Buildings Commission or the* Breaks Interstate Park Commission *may* [is authorized to] exercise the right of eminent domain on behalf of the Commonwealth of Kentucky in acquiring land or other property required in the establishment or enlargement of The Breaks Interstate Park.

Section 112. KRS 149.050 is amended to read:

(1) The division may lease or rent portions of lands acquired by it to responsible persons, for cultivation and grazing, but in no event shall it lease or rent lands the use of which would be detrimental to the growth of timber or destructive of game or wild animal life. Proceeds resulting from the leasing of such lands shall be covered into the State Treasury.

(2) The division may, with the consent of the owner of lands leased to it, sublease or rent any of *the* [such] leased lands in a manner that will not interfere with the growth of timber or the propagation of game and wild animal life. If the lands are subleased or rented under these conditions, the division and the owner shall divide the proceeds arising from the use of the lands, on a fifty-fifty basis, the division's one-half shall be covered into the State Treasury.

(3) In exercising the functions of this section the division shall be exempted from any provision of KRS 42.030 or *45.360* [42.060].

Section 113. KRS 150.210 is amended to read:

The blank licenses, metal tags and printed matter necessary to carry out the provisions of this chapter shall be prepared under the direction of the commissioner, subject to the approval of the Director of Purchases [and Public Properties] and shall be paid for in the same manner as other public printing. All expense arising therefrom shall be charged to the Game and Fish Fund.

Section 114. KRS 152.690 is amended to read:

(1) It is recognized by the General Assembly that any site used as a radioactive waste material site will represent a continuing and perpetual responsibility in the interests of the public health, safety and general welfare, and that the same must ultimately be reposed in a sovereign government without regard for the existence or non-existence of any particular agency, instrumentality, department, division or officer thereof.

(2) In the event the *Commission* [authority] shall acquire and dedicate one or more radioactive waste material sites, the *Commission* [authority] may convey such sites to the Commonwealth for no other consideration than an undertaking of the Commonwealth to maintain, safeguard and operate the same in the interests of the public health, safety and welfare. *The* [Any such] conveyance may contain an express provision that the Commonwealth thereby assumes such continuing and perpetual responsibility, and the Commissioner of Health, or other officer succeeding to his functions, *may* [is hereby authorized to] sign the same and bind the Commonwealth in that regard; and any such conveyance may be made subject to any existing contractual rights of licensees using source, by-product and special nuclear materials to make use of the site or sites in the disposition of radioactive waste materials.

Section 115. KRS 152.700 is amended to read:

The General Assembly hereby takes notice of, and finds as a legislative determination of fact, that until such time as the

General Assembly may take notice of and find as a legislative determination of fact to the contrary, the development, promotion and implementation of activities and projects in the field of atomic energy require special expertise which is not common or currently available to general construction contractors or operating private enterprise; and that by reason thereof it is in the public interest and in pursuance of sound public policy of the Commonwealth that the *Commission* [authority] not be restricted to awarding contracts for the construction, installation or operation of such projects as are authorized by KRS 152.510 to 152.700 by public award on the basis of competition after such public advertisement or solicitation as may otherwise be required by general laws. Accordingly, the *Commission* [authority] is specifically empowered in the public interest (a) without advertising or other public solicitation to negotiate and enter into contracts, agreements or leases with federal or state governmental agencies or private enterprise duly licensed according to law and prevailing regulations for the initiation and operation of any project, and (b) without advertising or other public solicitation to negotiate and enter into contracts for the construction and installation of any structures, buildings, installations and appurtenances necessary or incidental to the same or any part thereof.

Section 116. KRS 156.030 is amended to read:

There shall be a State Board of Education composed of seven lay members. The board shall elect a chairman from among its members at its first regular meeting in each fiscal year. Beginning with 1940 the Governor shall appoint two members every year for a term of four years to take the place of the members appointed under the provisions of Chapter 65 of the Acts of 1934 whose terms expire that year, except that every fourth year the Governor shall appoint one member for a term of four years to take the place of the member whose term expires that year. The term of each member of the board shall begin on July 1 in the year in which the member is appointed. In the case of a vacancy the Governor shall fill the vacancy for the unexpired term. Members appointed to take the place of members whose terms expire after January 6, 1964 shall be appointed from the districts estab-

lished by KRS *21.020* [21.120] in the numerical order of the districts. The board shall be a corporation by the name of the Kentucky State Board of Education, with the usual corporate powers.

Section 117. KR S161.030 is amended to read:

(1) The certification of all superintendents, principals, teachers, supervisors, attendance officers and other administrative, supervisory or instructional employes is vested in the State Board of Education. All certificates issued under KRS 161.010 to 161.120 shall be issued in accordance with the published rules and regulations of the State Board of Education through the Superintendent of Public Instruction.

(2) Certificates shall be issued, reissued and renewed to persons who have completed, at the state *universities* [teachers colleges] of Kentucky, *at Kentucky State College* [for white persons] or at the College of Education of the University of Kentucky, the curricula prescribed by the Council on Public Higher Education and approved by the State Board of Education for the certificates.

[(3) Certificates shall be issued to persons who have attended the state institutions for colored persons in accordance with law and in accordance with the rules and regulations of the State Board of Education.]

(3) [(4)] The State Board of Education shall approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the State Board of Education and are equivalent to any or all the curricula prescribed for the state institutions for the issuance of certificates to students of the state institutions, and when the institution has otherwise met the terms and conditions provided in KRS 161.010 to 161.130. Any student of such institution who has completed any of these curricula or the equivalent thereof, as approved by the State Board of Education, and who in addition thereto has completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions may, by the State Board of Education, be granted a certificate for teach-

ing of the same validity and tenure as certificates issued to students completing like requirements in the state institutions.

Section 118. KRS Supp. (1966) 164.020 is amended to read:

The Council on Public Higher Education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the Governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute.

(3) Determine the amount of entrance [and/] or registration fees *or both* and approve the qualifications for admission to the pubic institutions of higher education. In determining the entrance and[/or] registration fees for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions.

(4) Consider the requirements and review the budget requests of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and the anticipated available resources for higher education. The individual institutions' budget requests, including tuition and [/or] registration fee schedules for all categories of students, along with council recommendations, shall be submitted to the Governor through the Department of Finance not later than November 15 of each odd numbered year.

(5) Require [such] reports from the executive officer of each [of such] institutions [as] it deems necessary for the effectual performance of its duties.

(6) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(7) Approve all new professional schools and review and make recommendations to the Governor regarding proposed new community colleges and four-year colleges.

(8) *Prescribe the* [Approve] curricula for teacher education.

(9) Elect a chairman annually for the voting membership. The council shall appoint an executive director and such staff as may be necessary; and their salaries shall be determined in the same manner as other state employes.

(10) [Shall] *C* [c] onstitute the representative agency of the Commonwealth in all matters of higher education of a general and state-wide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.

Section 119. KRS 171.035 is amended to read:

(1) All copies of Volumes 1 to 77 of the Kentucky Reports and twenty-five copies each of Volumes 78 to 314 of the Kentucky Reports, in the former Legislative and Law Library on July 1, 1954, shall always be retained and preserved in the State Law Library. Other copies of the Kentucky Reports shall be held for sale or for distribution to suitable public libraries.

[(2) All sets of the Journals and Acts of the General Assembly in the former Legislative and Law Library, in excess of six for each session, shall be delivered to and shall thereafter be at the disposition of the Legislative Research Commission.

(3) Any other books in the former Legislative and Law Library on July 1, 1954, found by the Board of Trustees under KRS 171.025 not to be useful for law library purposes, shall be placed in the custody of either the Legislative Research Commission, or the Kentucky Historical Society, or the University of Kentucky, as shall be determined by a committee consisting of the Director of the Legislative Research Commission, the Secre-

tary of the Kentucky Historical Society, and a person designated by the Governor.]

Section 120. KRS Supp. (1966) 177.950 is amended to read:

(1) Any aggrieved person who has petitioned for a hearing may within fifteen days of the mailing of notice of the final decision of the department following the hearing appeal from any decision, order or ruling to the circuit court of the county in which the alleged offense occurred. The aggrieved person shall file as part of his petition to the [Franklin] circuit court the record from the department including all the pleadings and orders.

(2) Except as otherwise expressly provided, the provisions of the Rules of Civil Procedure shall govern procedure involving appeals from any order or ruling of the department.

Section 121. KRS 186.57 0is amended to read:

(1) The department or its agent designated in writing for that purpose may deny any person a license or may immediately suspend the license of any person, or, in the case of a nonresident, withdraw the privilege of operating a motor vehicle in this state, with or without hearing, and with or without receiving a record of conviction of that person of a crime, whenever the department has reason to believe that:

(a) That person has committed any offense for the conviction of which mandatory revocation of license is provided by KRS 186.560.

(b) That person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury or serious property damage.

(c) That person is afflicted with mental or physical infirmities rendering it unsafe for him to drive upon the highways.

(d) That person is an habitually reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws.

(e) That person has been issued a license without making proper application for it, as provided in KRS *186.412* [186.460] and regulations properly issued pursuant to it.

(f) A person required by KRS 186.480 to take an examination has been issued a license without first having passed the examination.

(g) That person has been convicted of assault and battery resulting from the operation of a motor vehicle.

(2) The department may suspend the license of any resident upon receiving notice of the conviction of that person in another state of an offense there which if committed in this state would be grounds for the suspension or revocation of an operator's license. If a person so convicted is not the holder of a Kentucky license, the department shall deny him a license for the same period as if he had possessed a license and the license had been suspended. The department may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws, forward a notice of that person's conviction to the proper officer in the state of which the person so convicted is a resident.

(3) Each license which has been cancelled, suspended or revoked shall be surrendered to and retained by the department. At the end of the period of cancellation, suspension or revocation the license may be returned to the licensee.

Section 122. KRS 189.520 is amended to read:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate a vehicle that is not a motor vehicle upon a highway.

(2) No person shall operate a motor vehicle on a highway while under the influence of intoxicating liquors or narcotic drugs.

(3) No peace officer or State Police officer shall fail to enforce rigidly this section.

(4) In any criminal prosecution for a violation of subsections (1) and (2) of this section, wherein the defendant is charged with having operated a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood, as determined at the time of making a chemical analysis of his blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(a) If there was 0.05 percent or less by weight of alcohol in such blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was more than 0.05 percent, but less than 0.15 percent by weight of alcohol in such blood, such fact shall not constitute a presumption that the defendant either was or was not under the influence of intoxicating liquor, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant;

(c) If there was 0.15 percent or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(5) The provisions of subsection (4) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating liquor.

(6) No person may be compelled to submit to any test specified in subsection (4) of this section [, but his refusal to submit to such test may be commented upon by the prosecution in the trial against any person charged with operating any vehicle while under the influence of alcohol].

Section 123. KRS Supp. (1966) 189.993 is amended to read:

(1) Any person who violates the provisions of KRS 189.047 shall be fined not less than ten nor more than one hundred dollars for each offense and the lighting equipment shall be ordered removed and confiscated upon conviction.

(2) Any person convicted of violating any of the provisions of *KRS 189.095* [this section] shall be fined fifty dollars and costs of prosecution.

(3) [(21)] Any person who violates any provision of KRS 189.205 shall be fined not less than ten nor more than one hundred dollars.

(4) Any person who violates any provision of KRS 189.375 shall be fined not less than ten nor more than one hundred dollars.

(5) Any person who violates KRS 189.505 shall be fined not less than fifty dollars nor more than two hundred dollars or be imprisoned for not more than thirty days, or both.

(6) [(1)] Any person who violates any of the provisions of subsection (1) of KRS 189.645 or subsection (4) of 189.730 shall be fined not less than one nor more than one hundred dollars.

(7) [(2)] Any person operating an official inspection station who violates any of the provisions of subsection (4) of KRS 189.651 shall have his permit revoked.

(8) [(3)] Any person who violates any of the provisions of subsection (3) of KRS 189.655 or subsection (2) of KRS 189.651 or subsection (3) of KRS 189.730 shall be fined not less than one hundred nor more than five hundred dollars.

(9) [(4)] Any person who violates any of the provisions of subsection (1) of KRS 189.655 or subsection (3) of KRS 189.651 shall be confined in the penitentiary for not less than one nor more than five years.

(10) [(5)] Any person who violates any of the provisions of subsection (1) of KRS 189.651 shall be fined not less than five hundred nor more than five thousand dollars or shall be confined in the penitentiary for not less than one nor more than ten years.

(11) Any person who violates any provision of KRS Chapter 189 for which no penalty is otherwise provided shall, upon conviction, be fined not less than ten dollars nor more than one hundred dollars for each offense.

Section 12.4 KRS Supp. (1966) 190.180 is amended to read:

As used in KRS 190.180 to 190.250 unless the context otherwise requires:

(1) "Mobile Home" means any movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed without a permanent foundation for year-round living. It can consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units separately towable but designed to

be joined into one integral unit. As used herein, mobile home shall include a house-trailer or camping trailer as defined in KRS Ch. 186 and shall include travel trailer, pick-up coach and auto camper.

(2) "Travel Trailer" means any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified 'Travel Trailer' by the manufacturer on the trailer. When factory equipped for the road, it has a body width not exceeding eight feet and a body length not exceeding thirty-two feet.

(3) "Pick-Up Coach" means a structure designed primarily to be mounted on a pick-up truck or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

(4) "Auto Camper" means a light-weight unit that fits on top of the family automobile and into the trunk, with the cover removed.

(5) "Mobile Home Dealer" means any person engaged in the business of selling, exchanging, buying, offering or attempting to negotiate a sale or exchange of mobile homes. Any person who sells, exchanges, buys, offers or attempts to negotiate a sale or exchange of three or more, new or used, mobile homes in any one calendar year shall, prima facie, be deemed to be engaged in the business of selling, exchanging, buying, offering or attempting to negotiate a sale or exchange of mobile homes.

(6) "Manufacturer" means any person, resident or nonresident, who manufactures or assembles mobile homes.

(7) "Commissioner" means the Commissioner of Motor Transportation.

(8) "Department" means the Department of Motor Transportation.

(9) "Established Place of Business" means a fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a mobile home dealer,

which shall include the books, records, files and equipment necessary to properly conduct such business, or a building having sufficient space therein to properly show and display the mobile homes being sold and in which the functional duties of a mobile home dealer may be performed. The place of business shall not consist of a residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business.

(10) "Board" means the Kentucky Mobile Home Dealers License Board.

(11) "Person" means a person, partnership, firm, corporation or association.

Section 125. KRS 190.990 is amended to read:

(1) Any person who violates or causes, aids or abets any violation of any provision of KRS 190.010 to 190.080 or any order, rule or regulation lawfully issued pursuant to authority granted by KRS 190.010 to 190.080 shall be fined not less than fifteen dollars nor more than two hundred dollars, or imprisoned for not more than thirty days, or both. [, provided further, that] *A* [a] ny person who violates subsection (1), (m) or (n) of KRS 190.040 may also be subject to a suspension or revocation sentence of not more than a year effective only in the territory formerly served by the unfairly canceled dealer, except that in a metropolitan area serviced by several dealers handling the same motor vehicle, the suspension or revocation order shall not be applicable to the remaining dealers.

(2) Any person who [shall] willfully and intentionally violates any provision of KRS 190.090 to 190.140 [or engages in the business of a sales finance company in this state without a license therefor as provided in KRS 190.090 to 190.140] shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars.

(3) A wilful violation of KRS 190.100 or 190.110 by any person shall bar his recovery of any finance charge, delinquency or collection charge on the retail installment contract involved,

Section 126. KRS Supp. (1966) 220.010 is amended to read:

As used in KRS 220.010 to 220.540, unless the context otherwise requires:

(1) "Sanitary works", "improvements", "sanitary system" or "sanitary sewers", means any works constructed by a sanitation district in accordance with the purposes of KRS 220.010 to 220.540, as set forth in KRS 220.030.

(2) "Person" means any person, firm, copartnership, association or corporation other than a public corporation.

(3) "Public corporation" means any county, city, school district, water district or drainage district, and any other governmental agency or political subdivision clothed with the power of levying general or special taxes or issuing bonds payable from special funds.

(4) "Land" or "property" means real property.

(5) "Board of directors", "directors" or "board" means the governing body of a sanitation district.

(6) "Sanitation commissioner" or "commissioner" means the commissioner of sanitation districts, as provided for in KRS 220.020.

(7) "District" means a Sanitation District authorized by KRS 220.010 to 220.540.

(8) "District area", "within the district", "corporate limits of the district" and similar terms mean that area established to be within the district in accordance with KRS 220.020 to 220.540. No construction subdistrict shall be construed to be within the district area.

(9) "Construction subdistrict bonds and obligations" and like phrases mean any obligation whatsoever that has been incurred by the district because of some function or activity of a construction subdistrict. Such debts are not obligations of the district, and such debts may be paid only from monies received by the district on account of the construction subdistrict, or from the funds, if any, in the construction subdistrict, or from the funds, if any, in the construction subdistrict reserve fund.

(10) "Construction subdistrict facilities" are all sewage facilities within a construction subdistrict, and all sewerage facilities outside the district area which join together two or more construction subdistricts or lead from a construction subdistrict to the district area or lead from a construction subdistrict to a disposal plant or a treatment plant outside the construction subdistrict and outside the district area, and which are not a part of a sewer system of a municipal corporation or a sewer system of a water district organized pursuant to KRS 74.010 to 74.416.

(11) "District facilities" are all facilities of the district as provided for in KRS 220.020 to 220.540.

Section 127. KRS Supp. (1966) 220.290 is amended to read:

All contracts for work, material or supplies that may exceed *one thousand* [five hundred] dollars shall be advertised for bids by publication pursuant to KRS Ch. 424 within the district where the work is to be done or the materials or supplies used. The contract shall be let to the lowest and best bidder who shall give bond with approved and ample surety for the faithful performance of the contract. The notice shall specify the general nature of the bid sought, the time and date bids are to be received, and where and how more specific information can be obtained. The contract shall be in writing in duplicate, and shall be accompanied by or refer to plans and specifications for the work to be done, prepared by the chief engineer. The plans and specifications shall be made and considered a part of the contract. The contract shall be adopted by the board and signed by its president and by the contractor, and shall become a part of the records of the district.

Section 128. KRS 236.150 is amended to read:

(1) Any person aggrieved by an order or act of a boiler inspector, under this chapter, may, within fifteen days of notice thereof, appeal from *the* [such] order or act to the commissioner who shall, within thirty days thereafter, hold a hearing, after having given at least ten days written notice to all interested parties. The commissioner shall, within thirty days after *the* [such] hearing, issue an appropriate order either approving or disapproving *the* [said] order or act. A copy of such order by the *Commissioner* [board] shall be given to all interested parties.

(2) Within thirty days after any order or act of the *Commissioner* [board], any person aggrieved thereby may file a petition in the Franklin Circuit Court for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree.

Section 129. A new section is enacted to read as follows:

The membership of each tobacco board of trade shall be divided into two classes: active members and associate members. Any person, partnership, corporation or association operating a loose leaf auction warehouse or warehouses shall be eligible for active membership in the tobacco board of trade; provided, however, that each board of trade shall have the right to establish the basis of voting rights for its warehouse members according to floor space, ownership, number of separate warehouse buildings or otherwise. Any person, partnership, corporation or association not eligible for active membership but holding a tobacco dealer's license and purchasing tobacco pursuant to said license upon the market governed by the tobacco board of trade shall be eligible for election as an associate member. Each associate member shall have the option of becoming, upon written notice to the tobacco board of trade, either a participating or a non-participating member. A non-participating member shall not have the right to vote upon any question coming before the tobacco board of trade.

A participating associate member shall not participate in or have any voice or vote in the management, conduct, activities, allotments of sale time [and/] or hours, affixing of dates for the opening or closing of the tobacco markets serviced by the tobacco board of trade, or in any other manner or respect relating strictly to the functions normally performed by the warehouse members of the tobacco board of trade.

Section 130. A new section is enacted to read as follows:

Every tobacco warehouse offering tobacco for sale at auction shall be a member of its local tobacco board of trade, and membership in good standing shall be deemed to be a reasonable requirement by such tobacco board of trade as a condition precedent to participating in the business of operating a tobacco warehouse or the purchase of tobacco at auction therein.

Section 131. KRS 250.700 is amended to read:

A *registration* [license] may be revoked at any time for just cause as hereinafter provided. Grounds for revocation of a *registration* [license] are as follows:

(1) Material misrepresentations made for the purpose of defrauding any member of the public or the sale of any materials which do not conform to the standards prescribed by the commissioner or as set forth in KRS 250.650 to 250.720 by an owner or any regular employe, solicitor, agent, or representative of the owner.

(2) Failure by the owner to pay any final judgment rendered against any owner or regular employe, solicitor, agent, or representative of *the* [said] owner by reason of violations of any provisions of KRS 250.650 to 250.720.

Section 132. KRS 250.710 is amended to read:

The commissioner shall notify any applicant or owner by registered mail of any decision to refuse to grant a *registration* [license] or to revoke a *registration* [license] within ten days after such decision, and the applicant or owner shall have thirty days after *the* [such] notification within which to petition the commissioner for a rehearing. The commissioner shall within ten days after the [said] rehearing notify the applicant or owner of his decision, and if the decision be unfavorable, *the* [said] applicant or owner shall have thirty days within which to appeal *the* [such] decision to the Franklin Circuit Court. If the owner takes *an* [such] appeal within the time herein provided, the revocation by the commissioner shall not become final until finally adjudicated, however the commissioner may require the posting of a reasonable and appropriate bond pending final adjudication.

Section 133. KRS 257.720 is amended to read:

All monies received from the *registration* [license] fees and fines collected by the department hereunder shall be deposited to a revolving fund in the State Treasury to be used for the administration and enforcement of KRS 250.650 to 250.720.

Section 134. KRS 278.120 is amended to read:

(1) The chairman of the commission [shall be paid a salary of ten thousand dollars per annum,] and each of the other two members shall be paid a salary *fixed under KRS 64.640* [of seven thousand five hundred dollars per annum, said salaries] to be paid monthly.

(2) The secretary of the commission shall be paid a salary to be fixed by the commission, with the approval of the Governor. The commission shall fix the compensation of all its other employes.

(3) The commissioners and the secretary and employes of the commission are entitled to all expenses, including hotel bills, incurred in traveling on business of the commission.

(4) The salaries and expenses provided for by this section, and all other expenses of the commission incurred in the administration of this chapter, shall be paid out of the fund created under KRS 278.130.

Section 135. KRS Supp. (1966) 281.605 is amended to read:

The provisions of this chapter shall not apply, except as to the safety regulations, to:

(1) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;

(2) Motor vehicles, regardless of ownership, used exclusively:

(a) For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

(b) For the transportation of agricultural and dairy prod-

ucts, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

(c) For both the purposes described in paragraphs (a) and (b) of this subsection; or

(d) For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return;

(3) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities;

(4) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association;

(5) Motor vehicles owned in whole or in part by any person and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale of such petroleum products of which petroleum products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent, or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherance of any commercial enterprise other than the business of transportation of property for hire;

(6) Motor vehicles used in pick-up or delivery service within a city or within a city and its commercial area for a carrier by rail.

(7) Motor vehicles used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple where *the* [such] railhead or tipple is located at a point not more than fifty air miles from the point at which *the* [such] coal is mined. [The owner or operator of a motor vehicle used as set out in this subsection who had, prior to March 9, 1962,

paid to the Department of Motor Transportation the annual excise tax due under KRS 281.810 for the year 1962, shall be entitled to a refund of the amount so paid. The application for such refund shall be made to the Department of Motor Transportation, together with such evidence of payment as the department may prescribe, and if the department authorized the refund, the Department of Finance shall draw a warrant upon the State Treasury in favor of the said owner or operator and charge the amount thereof to the State Road Fund.]

Section 136. KRS 281.830 is amended to read:

(1) Except as otherwise provided in KRS 138.470, 186.020 and 186.050 and in subsection (2) of this section, the fees and taxes prescribed by this chapter shall be in addition to the fees and taxes prescribed by any other law of this state.

(2) No city may impose a license fee or tax upon any motor vehicle operated under a certificate or permit, except that a city may impose a license fee or tax upon a taxicab as set out in subsection *(2)* [(5)] of KRS *186.054* [281.815].

Section 137. KRS Supp. (1966) 287.011 is amended to read:

(1) There is created a Department of Banking and Securities, which constitutes a department of the state government within the meaning of KRS Chapter 12. The department shall be headed by a Commissioner of Banking and Securities, who shall be the executive head of the department and shall be charged with the administration of the department.

(2) The Department of Banking and Securities shall exercise all administrative functions of the state in relation to the regulation, supervision, chartering and licensing of banks, trust companies, *savings* [building] and loan associations, petty loan companies, investment and industrial loan companies, and credit unions, and in relation to the regulation of securities. For administrative purposes the department may be divided into sections for each class of financial institution under jurisdiction of the department, and there shall be within the department, for regulation of securities, a Division of Securities, headed by a director who has had at least four years' successful business experience.

Section 138. KRS Supp. (1966) 289.011 is amended to read:

As used in this chapter, unless the context otherwise requires:

(1) "Association" means a savings and loan association subject to the provisions of this chapter and *as used* [building and loan associations as defined] in KRS 136.290, 136.300 and 136.310.

(2) "Combination home and business structure" means a building or buildings, including residences for not more than four families, which are used in part for business purposes. The residential use of such a building must be substantial and permanent, not merely transitory. The business use may predominate.

(3) "Commissioner" means the Commissioner of Banking and Securities.

(4) "Direct-reduction loan" means a loan repayable in consecutive weekly, monthly or semi-annual installments, equal or unequal, sufficient to retire the debt, interest, and principal; provided, however, that the initial loan contract shall not provide for any subsequent monthly installment of an amount larger than any previous monthly installment; and, provided further, that in the case of construction loans the first payment under said contract shall be made not later than twelve months after the date of the first advance. Any such loan is an amortized loan.

(5) "Dividend" or "Earnings" means that part of the net income of an association which is declared payable on savings accounts and savings certificates from time to time by the board of directors, and is the cost of savings money to the association.

(6) "Gross income" means the sum for an accounting period of the following:

(a) Operating income.

(b) Real estate income.

(c) All profits actually received during such accounting period from the sale of securities, real estate, or other property.

(d) Other non-recurring income.

(7) "Home" means a dwelling or dwellings for not more than four families, the principal use of which is for residential purposes. A home on a farm is a home.

(8) "Home Loan" means a real estate loan the security for which is home property.

(9) "Home property" means real estate on which there is located, or will be located pursuant to a home loan, a home or a combination home and business structure.

(10) "Impaired condition" means a condition in which the assets of an association in the aggregate do not have a fair value equal to the aggregate amount of liabilities of the association to its creditors, including its members and all other persons.

(11) "Improved real estate" means real estate on which there is a structure or an enclosure, or which is cultivated, reclaimed, used for the purpose of agriculture in any form, or otherwise occupied, made better, more useful, or of greater value by care so as to produce an enjoyment thereof.

(12) "Insured association" means an association the savings accounts of which are insured in accordance with the provisions of this chapter.

(13) "Member" means a person holding a savings account or a savings certificate of an association, or a person borrowing from or assuming or obligated upon a loan or interest therein held by an association, or purchasing property securing a loan or interest therein held by an association. A joint and survivorship, relationship, whether of investors or borrowers, constitutes a single membership.

(14) "Net income" means gross income for an accounting period less the aggregate of the following:

(a) Operating expenses.

(b) Real estate expenses.

(c) All losses actually sustained during such accounting period from the sale of securities, real estate or other property, or such portion of such losses as shall not have been charged to reserves, pursuant to the provisions of this chapter.

(d) All interest paid, or due but unpaid, on borrowed money.

(e) Other nonrecurring charges.

(15) "Net income available for dividends or earnings" means net income for an accounting period less amounts transferred to reserves as provided in this chapter.

(16) "Operating expenses" means all expenses actually paid, or due but unpaid, by an association during an accounting period, excluding the following:

(a) Real estate expenses.

(b) Interest on borrowed money.

(c) Other nonrecurring charges.

That portion of prepaid expenses which is not apportionable to the period may be excluded from operating expenses, in which event operating expenses for future periods shall include that portion of such prepaid expenses apportionable thereto.

(17) "Operating income" means all income actually received by an association during an accounting period, excluding the following:

(a) Foreclosed real estate income.

(b) Other nonrecurring income.

(18) "Other real estate loan" means a real estate loan the security for which is real estate other than home property.

(19) "Real estate expenses" means all expenses actually paid, or due but unpaid, in connection with the ownership, maintenance, and sale of real estate (other than office building or buildings and real estate held for investment) by an association during an accounting period, excluding capital expenditures and losses on the sale of real estate.

(20) "Real estate income" means all income actually received by an association during an accounting period from real estate owned (other than from office building or buildings and real estate held for investment) excluding profit from sale of real estate.

(21) "Real estate loan" means any loan or other obligation secured by real estate, whether in fee or in a leasehold.

(22) "Savings account" means that part of the savings liability of the association which is credited to the account of the holder thereof.

(23) "Savings Certificate" means that part of a savings account which is fully paid and is represented by a certificate.

(24) "Savings liability" means the aggregate amount of savings accounts and savings certificates of members, including dividends credited to such accounts, less redemptions and withdrawals.

(25) "Withdrawal value" means the amount credited to a savings account and savings certificate of a member, less lawful deductions therefrom, as shown by the records of the association.

(26) "Minor" means a person over fourteen years of age and under twenty-one years of age.

(27) "Capital stock" [as used in this chapter] may be used interchangeably with the term savings account and savings certificate.

Section 139. KRS Supp. (1966) 289.021 is amended to read:

Any five or more residents of this state (hereinafter referred to as the "incorporators") may form an association to promote thrift and home financing, subject to approval as provided in this chapter, by signing and acknowledging, before an officer competent to take acknowledgements of deeds, two copies of a petition for a certificate of incorporation in the form prescribed by the commissioner, and of the bylaws [in the form set out below or] in a form approved by the commissioner, which shall be filed with the commissioner, accompanied by the incorporation fee.

Section 140. KRS 292.540 is amended to read:

[(1) KRS 292.010 to 292.290 and 292.990 are hereby repealed.

(2) Prior law exclusively governs all suits, actions, prosecutions, or proceedings which are pending or may be initiated on the basis of facts or circumstances occurring before January 1, 1961, except that no civil suit or action may be maintained to enforce any liability under prior law unless brought within any period of limitation which applied when the cause of action accrued and in any event within two years after January 1, 1961.

(3)] All effective registrations under prior law and all conditions imposed upon such registrations remain in effect so long as they would have remained in effect if they had become effective under this chapter. They are considered to have been filed, entered or imposed under this chapter.

[(4) Prior law applies in respect of any offer or sale made within one year after January 1, 1961, pursuant to an offering begun in good faith before its effective date on the basis of an exemption available under prior law.

(5) Judicial review of all administrative orders as to which review proceedings have not been instituted by January 1, 1961, are governed by KRS 292.480, except that no review proceeding may be instituted unless the petition is filed within any period of limitation which applied to a review proceeding when the order was entered and in any event within sixty days after January 1, 1961.]

Section 141. KRS 295.020 is amended to read:

(1) An insurer, in order to qualify for writing mortgage guaranty insurance, must have the same capital and surplus as that required of a multiple line company by KRS *304.072* [304.073].

(2) An insurer transacting any class of insurance other than mortgage guaranty insurance is not eligible for the issuance of a certificate of authority to transact mortgage guaranty insurance in this Commonwealth, nor the renewal thereof.

(3) A foreign or alien insurer writing mortgage guaranty insurance shall not be eligible for the issuance of a certificate of authority in Kentucky unless it has demonstrated a satisfactory operating experience in its state of domicile.

Section 142. KRS 304.286 is amended to read:

(1) Twenty-five or more persons domiciled in this state may organize a domestic reciprocal insurer and in compliance with this code make application to the commissioner for a certificate of authority to transact insurance.

(2) When applying for a certificate of authority, the original subscribers and the proposed attorney shall fulfill the requirements of and shall execute and file with the commissioner a declaration setting forth:

(a) The name of the insurer.

(b) The location of the insurer's principal office, which shall be the same as that of the attorney and shall be maintained within this state.

(c) The kinds of insurance proposed to be transacted.

(d) The names and addresses of the original subscribers.

(e) The designation and appointment of the proposed attorney and a copy of the power of attorney.

(f) The names and addresses of the officers and directors of the attorney, if a corporation, or of its members, if a firm.

(g) The powers of the subscribers' advisory committee and the names and terms of office of the members thereof.

(h) A copy of the subscribers' agreement.

(i) A statement that each of the original subscribers has in good faith applied for insurance of the kind proposed to be transacted, and that the insurer has received from each such subscriber that full premium or premium deposit required for the policy applied for, for a term of not less than six months at the rate theretofore filed with and approved by the commissioner.

(j) A statement of the financial condition of the insurer, a schedule of its assets, and a statement that the surplus as required by KRS *304.072* [304.071] is on hand.

(k) A copy of each policy, endorsement, and application form it then proposes to issue or use.

(3) The declaration required by subsection (2) shall be acknowledged by each such subscriber and by the attorney in

the manner required for the acknowledgement of deeds to real estate.

Section 143. KRS 304.834 is amended to read:

(1) No domestic or foreign life insurance corporation shall undertake the issuance of any contract on a variable basis until said company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such contracts on a variable basis will not be such as would render its operation unduly hazardous to the public or its policy holders in this state. In determining the qualifications of a company requesting authority to issue or deliver contracts on a variable basis within this state, the commissioner shall consider, among other things, the character, responsibility, and general fitness of the incorporators and of the proposed or duly elected officers and directors of the company, and the regulation of a foreign company by its state of domicile.

(2) No agent of any insurance company shall be authorized to sell, or act, or aid in any manner in the negotiation of a contract on a variable basis until he has received a license to sell contracts on a variable basis from the commissioner, which license shall not be issued by the commissioner until he has qualified by examination, to the satisfaction of the commissioner, as to his trustworthiness and competence.

(3) Every domestic life insurance company which issued contracts on a variable basis providing for payments which vary directly according to investment experience shall establish one or more separate accounts in connection with such contracts pursuant to regulations adopted by the commissioner. All amounts received by the company which are required by contract to be applied to provide such variable payments shall be added to the appropriate separate account, and the assets of any such separate account shall not be chargeable with liabilities arising out of any other business the company may conduct. Any surplus or deficit which may arise in any such separate account by virtue of mortality experience shall be adjusted by withdrawals from or additions to such account so that the assets of such account shall always equal the assets required to satisfy the company's obligations for such variable payments.

(4) A foreign or alien life insurance company authorized to do business in this state may be authorized to issue or deliver contracts on a variable basis in this state providing for payments which vary directly according to investment experience only if authorized to issue such contracts under the laws of its domicile.

(5) Every life insurance company which issues or delivers such contracts on a variable basis in this state shall file with the commissioner, in addition to the annual report required by KRS *304.105* [304.027] such other periodic or special reports as the commissioner may prescribe.

Section 144. KRS 311.250 is amended to read:

No itinerant medical company of two or more persons shall travel as a troupe or company as vendors of any drug, nostrum or instrument intended for the treatment of any disease or injury, or by any writing or printing profess to the public to treat disease or deformity by the use of any drug, nostrum or instrument without first obtaining a license from the *State Board of Health* [board]. The fee for such license shall be one hundred dollars per month. The board shall issue licenses to reputable and worthy applicants upon payment of the fee each month, but may for sufficient cause refuse to issue such license.

Section 145. KRS 311.375 is amended to read:

(1) No person shall, in connection with the practice of medicine, surgery, osteopathy, optometry, dentistry, *podiatry* [chiropody], pharmacy, chiropractic, psychology or psychiatry, nursing, anesthesiology, physio or physical therapy, or any other profession or business having for its purpose the diagnosis, treatment, correction or cure of any human ailment, condition, disease, injury or infirmity, hold himself out as a doctor or employ or use in any manner the title "Doctor" or "Dr.", unless he actually has graduated and holds a doctor degree from a school, college, university or institution authorized by its governing body to confer such degree.

(2) No person who holds a doctor degree, as provided in subsection (1) of this section, shall use or employ the title

"Doctor" or "Dr." in or upon any letter, statement, card, prescription, sign, listing or other writing without affixing suitable words or letters designating the particular doctor degree held by such person.

Section 146. KRS 311.550 is amended to read:

As used in KRS 311.550 to 311.620 and 311.990 (8) to (11):

(1) "Board" means the State Board of Health;

(2) "President" means the President of the State Board of Health;

(3) "Secretary" means the Secretary of the State Board of Health, or any assistant secretary thereof appointed as such by the board;

(4) "Regular license" means a license to practice medicine or osteopathy at any place in this state;

(5) "Limited license" means a license to practice medicine for a limited time, place and purpose;

(6) "Temporary permit" means a permit issued to a person who has applied for a regular license, and who appears to the secretary to be qualified and eligible therefor;

(7) Except as provided in subsection (8) of this section, the "practice of medicine or osteopathy" means the diagnosis, treatment or correction of any and all human conditions, ailments, diseases, injuries or infirmities by any means, methods, devices or instrumentalities;

(8) The "practice of medicine" does not include the practice of Christian Science, the practice of podiatry as defined in KRS 311.380, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015, the practice *as a nurse* [of nursing] as defined in KRS *314.011* [314.010], the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised or represented as being for the treat-

ment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, in regular mercantile establishments, or the practice of midwifery by women; provided, however, that KRS 311.550 to 311.620 shall not be construed as repealing the authority conferred on the Department of Health and its Division of Child Hygiene by KRS Chapter 211 to provide for the instruction, examination, licensing and registration of all midwives through county health officers.

Section 147. KRS Supp. (1966) 318.130 is amended to read:

(1) In order to administer this chapter, the State Plumbing Code Committee [(Board)] shall promulgate and thereafter from time to time may amend a code to be known as the Kentucky State Plumbing Code, regulating the construction, installation and alteration of plumbing and plumbing fixtures and appliances, house sewers or private sewage disposal systems and private water supplies, methods and materials to be used therein within this state, using as a minimum standard the basic principles of the National Plumbing Code Coordinating Committee, as evidenced by that Committee's final report of 1951 with variations thereof or additions thereto as the Board considers are warranted by local, climatic or other conditions. The Code may also designate the number of plumbing fixtures for public buildings. The State Plumbing Code Committee [(Board)] may adopt any other reasonable rule or regulation to administer this chapter. No rules or regulations so approved by the Committee shall become effective except upon adoption by the State Board of Health.

(2) The board may continue in effect any plumbing code duly promulgated by them on file with the Legislative Research Commission in Frankfort, Kentucky, on June 16, 1966.

Section 148. KRS Supp. (1966) 332.050 is amended to read:

(1) Every license issued for the operation of a driver training school shall expire on June 30 following the date of the issuance unless sooner revoked or cancelled.

(2) *Before* [Between] July 1 of each year every driver training school shall apply for renewal of its license. *The* [Such]

application shall be on forms prepared and furnished by the department.

(3) Every license issued to a driver training instructor shall expire on June 30 following the date of the issuance unless sooner revoked or cancelled.

(4) Between July 1 of each year every driver training instructor shall apply for renewal of his license. Such application shall be on forms prepared and furnished by the department.

(5) All fees collected under [the provisions of] this chapter or the rules and regulations adopted pursuant to this chapter shall be paid into the state treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of the administration of this chapter. No part of this fund shall revert to the general funds of the Commonwealth.

Section 149. KRS Supp. (1966) 350.010 is amended to read:

As used in this chapter unless the context requires otherwise:

(1) "Strip Mining" means all or any part of the process followed in the production of coal by the open pit or open cut method, the auger method, highwall mining method which requires a new cut or removal of over-burden, or any other mining method or process in which the strata or overburden is removed or displaced in order to recover the coal, or in which the overburden is removed for the purpose of determining the location, quality or quantity of a natural coal deposit.

(2) "Overburden" means all of the earth and other materials which lie above a natural deposit of coal and also means such earth and other material after removal from their natural state in the process of strip mining;

(3) "Area of land affected" means the area of land from which overburden is to be or has been removed and upon which the overburden is to be or has been deposited and shall include all lands affected by the construction of new roads or the improvement or use of existing roads other than public roads, to gain access and to haul coal;

(4) "Operation" means all of the premises, facilities, roads and equipment used in the process of producing coal from a

designated strip mine area or removing overburden for the purpose of determining the location, quality or quantity of a natural coal deposit;

(5) "Method of operation" means the method or manner by which the cut or open pit is made, the overburden is placed or handled, water is controlled and other acts are performed by the operator in the process of uncovering and removing the coal;

(6) "Operator" means any person, partnership or corporation engaged in strip mining who removes or intends to remove more than one hundred tons of coal from the earth by strip mining within twelve successive calendar months or who removes overburden for the purpose of determining the location, quality or quantity of a natural coal deposit;

(7) "Person" means persons, partnership or corporation.

(8) "Division" means the Division of Reclamation;

(9) "Director" means the Director of the Division of Reclamation of the Department of Natural Resources;

(10) "Commission" means the Reclamation Commission;

(11) "Reclamation" means the reconditioning of the area of land affected by strip mining under a plan approved by the division;

(12) "Degree" when used in this chapter shall mean from the horizontal, and in each case shall be subject to a tolerance of five percent of error;

(13) "Bench" means the ledge, shelf or terrace formed in the contour method of strip mining;

(14) "Fill bench" means that portion of the bench which is formed by depositing overburden beyond the cut section.

Section 150. KRS 362.280 is amended to read:

(1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business

or affairs, or to require any information or account of partnership tranactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the *assigning* [assignee] partner would otherwise be entitled.

(2) In case of a dissolution of the parnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

Section 151. KRS 365.240 is amended to read:

(1) Except as provided in subsection (2) of this section, no goods, wares or merchandise manufactured or produced wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, in this state or in any other state, shall be sold or offered for sale *on the open market* in this state.

(2) Nothing in this section is intended to forbid the sale, exchange or distribution of such goods to any institution supported wholly by funds derived from public taxation and operated under the supervision of the United States or of this state or any other state or any political subdivision thereof, or to forbid this state from manufacturing automobile tags, road signs, and any other goods that the state has to furnish to any of its institutions or to any branches of its government in its administrative capacity.

Section 152. KRS 365.250 is amended to read:

(1) Every [junk] dealer *in junk or metals,* dealer in second hand articles, vendor of bottles or rags, or collector of or dealer in articles found in ashes, garbage or other refuse, whether such dealers, collectors or vendors have established places of business or operate a business of an itinerant nature, shall keep a register, which shall contain the name of the [person or] persons from whom any copper wire or cable is purchased, whatever may be the condition or length of such copper wire or cable; the residence or place of business of such [person or] persons and a full description of each purchase including the quantity by weight

thereof. Each of such dealers, collectors or vendors shall permit any peace officer to inspect *the* [said] register at any reasonable time and shall report to the sheriff of the county in which any purchase is made and to the sheriff of the county in which his business is located all of such purchases within twenty-four hours thereafter; the report shall contain all of the information required to be maintained in the register provided for herein.

(2) Failure to maintain the register or to report to the sheriff as required in subsection (1) shall be prima facie evidence that the person receiving copper wire or cable not registered or reported, received it knowing it to be stolen in violation of KRS 433.290.

(3) In the event, the purchase is made or the business is located in a city of the first or second class the reports required hereby shall be made to the police departments of such cities instead of the respective sheriffs.

Section 153. KRS Supp. (1966) 365.425 is amended to read:

No application for a going out of business sale shall be accepted *by* the county court clerk if *the* [such] sale involves foods or drugs damaged by fire or other casualty unless the approval of the State Department of Health has first been obtained.

Section 154. KRS Supp. (1966) 365.990 is amended to read:

(1) Any person who violates any of the provisions of subsection (1) of KRS 365.010 shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both, and each day that the violation continues shall constitute a separate offense.

(2) Any person who violates any of the provisions of KRS 365.020 to 365.050 shall, for each offense, be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both. Any person who, as agent of any person or as director, officer or agent of any corporation, assists or aids in a violation of any of such provisions by the person or corporation for which he is director, officer or agent, shall be responsible therefor equally with such

person or corporation, and in a prosecution brought against him under this subsection it shall be sufficient to allege and prove the unlawful intent of the person or corporation for whom he acts.

(3) Any person who violates any of the provisions of KRS 365.100 shall be fined not less than two hundred dollars for each offense.

(4) Any person who violates any of the provisions of KRS 365.110 shall be fined not less than ten dollars nor more than fifty dollars for each offense.

(5) Any agent or employe of a corporation or any other person who violates any of the provisions of subsection (2) of KRS 365.220 shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense, and each day's continuance of the violation shall constitute a separate offense.

(6) A conviction of a corporation of violating any of the provisions of KRS 365.210 or 365.220 shall operate to forfeit its charter or right to do business in this state. Proceedings may be instituted by the Commonwealth's attorney in any district in this state to forfeit the charter or right to do business in this state of any corporation violating any of the provisions of KRS 365.210 or 365.220, and to subject the corporation charged, if found guilty, to the penalty imposed in subsection (7) of this section.

(7) Any company that violates any of the provisions of KRS 365.230 shall be fined not less than one hundred dollars nor more than one thousand dollars, and if it is a corporation it shall, upon conviction, forfeit its charter.

(8) Any person who violates any of the provisions of KRS 365.240 shall, for each offense, be fined not *less than two hundred dollars nor* more than one thousand dollars, or imprisoned for not *less than three months nor* more than *one year* [six months], or both.

(9) Failure to maintain the register or to make the report to the sheriff as required by KRS 365.250 shall be a misdemeanor punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or

both, and shall be prima facie evidence that such dealer, collector or vendor received the used copper wire or cable not registered or reported, knowing it to be stolen in violation of KRS 433.290.

Section 155. KRS Supp. (1966) 376.195 is amended to read:

As used in this section and in subsection (1) of KRS 376.210:

(1) "Labor" includes all work done by teams, trucks, machinery, and mechanical equipment, whether the owner furnishes a driver or operator or not, but it shall not include labor performed by any officer, superintendent or stockholder of any corporation even though he may perform manual labor on the public work;

(2) "Materials" includes all materials of every kind or character used in the public improvement which shall remain as a part of the completed improvement, and all the materials substantially consumed or the value thereof substantially destroyed in making the public improvement, including explosives, gasoline, oil, grease, form lumber and other similar articles; and,

(3) "Supplies" includes small tools and equipment reasonably necessary in performing the work required to be done, including picks, shovels, sledge hammers, axes, pulleys, wire cables, ropes, and other similar items costing not more than fifty dollars per item, and tires and tubes furnished for use on vehicles engaged in the performance of the work;

(4) "Supplies" also includes the cost of labor, materials, and repair parts supplied or furnished for keeping all machinery and equipment used in the performance of the work in good operating condition; and, shall include the agreed or reasonable rental price of equipment and machinery used in performing the work to be done; [provided, however, that:]

(a) The lien for rental of equipment or machinery shall not be more than the aggregate sum of six months' rental, and the aggregate amount of such rental, shall not exceed sixty percent of the agreed value of the machinery or equipment; and

(b) The liens *for supplies as defined in* [under] this subsection are subordinate to the liens *for labor, material and sup-*

plies as defined [provided for] in subsections (1) to (3) of this section.

Section 156. KRS 381.875 is amended to read:

The laws relating to exemptions as set out in KRS Chapter *427 is* [391 shall be] applicable to the individual apartments which shall have the benefit of said exemption in those cases the same as in ownership of any other property.

Section 157. KRS Supp. (1966) 382.346 is amended to read:

(1) Mortgages executed by corporations, authorized to operate railroads, motor transportation lines, electric light, heat and power plants, water plants, telegraph and telephone lines, pipe lines for the transportation or distribution of natural or manufactured gas, or a mixture of same, which cover rights-of-way, franchises, pipelines, pole lines, easements, railroad tracks, engines, cars, motor equipment or any tangible personal property, or after-acquired property of whatever kind, may create a lien upon such property, or any interest therein, and may secure all renewals and extensions of any loan [or loans] secured thereby and the note [or notes] evidencing the same, and may secure any additional indebtedness whether direct, indirect, existing, future, contingent or otherwise, to the extent authorized by *the* [such] mortgage or deed of trust, *if* [provided] the mortgage by its terms stipulates the maximum additional indebtedness which may be secured thereby. All such mortgages which cover rights-of-way, franchises, pipelines, pole lines, easements, railroad tracks, engines, motor equipment or any tangible personal property shall be duly acknowledged as required by law and recorded as mortgages on real estate are required to be recorded only in the county in Kentucky in which the principal office of the corporation is located.

(2) If the mortgage covers other real property in addition to rights-of-way, franchises, pipelines, pole lines, easements, railroad tracks, engines, cars, motor equipment or tangible personal property, then the mortgage shall also be recorded in each county in which such other real property is located.

(3) When such mortgage is lodged for record, as herein provided, it shall be [temporary or interim certificate, receipt

or certificates of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is] effective against purchasers for a valuable consideration without notice and against creditors as defined in KRS 382.270.

Section 158. KRS 382.520 is amended to read:

In all cases where a loan is made by a bank, trust company, or *savings* [building] and loan association incorporated and doing business under the laws of this Commonwealth or incorporated and doing business under the laws of the United States of America, the mortgage originally executed and delivered by the borrower [or borrowers] to the bank, trust company or building association shall secure payment of all renewals and extensions of *the* [said] loan and the note evidencing it, whether so provided in the mortgage or not; and the mortgage may secure any additional indebtedness, whether direct, indirect, existing, future, contingent or otherwise, to the extent expressly authorized by the mortgage, *if* [provided] the mortgage by its terms stipulates the maximum additional indebtedness which may be secured thereby.

Section 159. KRS 386.030 is amended to read:

(1) Banks, trust companies, insurance companies, *saving* [building] and loan associations, credit unions, executors, administrators, trustees or others acting in a fiduciary capacity, trust funds, and other financial institutions, originating mortgagee institutions, and other institutions approved as mortgagees and meeting otherwise the requirements of the Federal Housing Administration to act as mortgagees under that agency's approval program, subject to the laws of this state, may:

(a) Make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for credit insurance by the Federal Housing Administrator, and may obtain such insurance;

(b) Make such loans secured by real property or leasehold, as the Federal Housing Administrator insures or makes a commitment to insure, and may obtain such insurance;

(c) Invest their funds, eligible for investment, in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, and in debentures issued by the Federal Housing Administrator, and also in securities issued by National Mortgage Associations.

(2) This state and any of its political subdivisions, or any agency or instrumentality thereof may invest its funds and the monies in its custody or possession, eligible for investment, in notes or bonds described in paragraph (c) of subsection (1).

(3) No law of this state requiring security upon which loans or investments may be made, or prescribing the nature, amount or form of the security, or prescribing or limiting interest rates upon loans or investments, or limiting investments of capital or deposits, or prescribing or limiting the period for which loans or investments may be made, shall apply to loans or investments made pursuant to [the provisions of] this section.

Section 160. KRS 386.050 is amended to read:

(1) This state and all public officers, cities, political subdivisions and public bodies, all banks, trust companies, savings institutions, [building and loan associations,] savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, and other persons carrying on an insurance business and all fiduciaries may legally invest any sinking funds, monies or other funds belonging to them or within their control in any bonds or other obligations issued by a housing commission pursuant to the Municipal Housing Commission Act or the Rural Housing Commission Act, and any additional amendments thereto, or issued by any public housing authority or agency in the United States, when these bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States or any agency thereof, or in any electric revenue bonds or other obligations issued by the Tennessee Valley Authority.

(2) These bonds and other obligations shall be authorized security for all public deposits and shall be fully negotiable in this state.

(3) Nothing in this section with regard to legal invest-

ments shall relieve any individual or corporation from any duty of exercising reasonable care in selecting securities.

(4) Any county, municipality or other taxing district may legally invest its sinking funds, money or other funds belonging to it or within its control in United States Defense Bonds or any other bonds or obligations for the payment of which the faith and credit of the United States Government is pledged.

Section 161. KRS Supp. (1966) 386.420 is amended to read:

(1) The written declaration of trust may provide for the election of successor trustees in the event of the death, resignation and removal of a trustee and may provide for the amendment of *the* [said] declaration of trust. The declaration of trust may also contain such other provisions regarding the operating and administration of the business trust as may be necessary or desirable.

(2) The declaration of trust shall be recorded in the office of the Secretary of State of the Commonwealth of Kentucky and in the office of the *Clerk of the County Court* [Judge of probate] in the county in which its principal place of business is located and a recording charge of $15 shall be paid at each of *those* [said] offices.

Section 162. KRS 416.120 is amended to read:

[(1)] Proceedings for condemnation by the director of parks and recreation of cities of the first class as authorized by KRS 97.257 shall be in the circuit court, conducted in the name of the city by the director of law of such city, and shall be commenced by petition and summons, and carried on in a manner similar to actions at law, except that in proceedings against nonresident, absent and unknown defendants the city shall not be required to post bond as provided under section *411 of the Rules of Civil Procedure.* [410 of the Civil Code.] In any such actions the owners of distinct parts of any one general tract sought to be condemned may be included in one proceeding, or any one or more of such owners holding contiguous properties may be proceeded against in a separate action. Trial of such actions shall be by a jury summoned under order of court and consisting of twelve freeholders of such city or county, who shall be sworn to

ascertain and determine fairly and impartially by their verdict the amount of compensation each and every owner shall be entitled to receive for his or her land or property described in the petition and sought to be condemned. The city shall have the burden of proving the value of the property to be condemned; and in assessing damages to the owner of the property it shall be competent for the jury to consider the benefits and advantages, if any, that to such owner will result from the proposed improvements, and to set off the same against such damages as the owner may have other than the value of the property actually condemned and taken by the city. Nonresidents, absent defendants, or unknown owners of property shall be proceeded against by warning order as in other civil actions. Any condemnation proceeding shall have precedence on the docket of the court and may be assigned for trial as soon as the parties are before the court. Upon return of the verdict of the jury, the court shall enter judgment vesting in such city the title to the property described and condemned, the said judgment to take effect upon the payment into the court by said city of the amount of money named in the verdict, and all taxed costs of the proceedings, and said city shall have sixty days within which to make said compensation and payment; provided, however, if payment be not made within such time, the said condemnation shall be deemed and treated as abandoned, and the verdict and judgment set aside, and the proceedings dismissed at the cost of said city, but without prejudice to any subsequent proceedings.

[(2) No proceedings now pending and undetermined for the condemnation of property for park purposes shall be affected by this section, but the same shall be governed by existing laws.]

Section 163. KRS Supp. (1966) 416.280 is amended to read:

(1) Within thirty days from the date of a judgment authorizing the petitioner to take possession of the land or material an appeal may be taken to the circuit court by either party or both parties by executing bond as required in other cases, and by filing with the clerk of the circuit court a certified copy of the judgment, a statement of the parties to the appeal and a statement of the grounds of appeal, which grounds shall contain any exceptions the appellant has to the award made by the commis-

sioners. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the clerk of the circuit court shall certify that fact to the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. The statement of grounds of appeal of either party may be amended as provided in the Rules of Civil Procedure for the amendment of a pleading. The appeal shall be tried de novo but shall be limited to the questions which are raised in the original statements of the grounds of appeal, or as amended, but the owner shall not be permitted to raise any question, nor shall the court consider any question so raised, concerning the right of the petitioner to condemn the property, unless the owner filed an answer or other pleading in the county court raising that issue. All questions of fact pertaining to the amount of compensation to the owner, [or owners,] shall be determined by a jury, which jury may be sent by the court, in the charge of the sheriff, to view the land and material. Upon an appeal to the circuit court and after a jury trial therein, and if possession previously has not been taken by the condemnor of the land and material condemned, it may do so upon the payment to the owner, or the clerk of the circuit court if the owner refuses to accept it, the amount of the compensation adjudged by the circuit court to be due the owner and by paying *the costs of the proceedings.* [such costs as are required to be paid by the condemnor under the provisions of subsection (5) of this section.]

(2) Within thirty days from the date of a judgment dismissing a petition, an appeal may be taken to the circuit court by the petitioner by executing bond as required in other cases and by filing with the clerk of the circuit court a statement of the parties to the appeal and a certified copy of the judgment. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the clerk of the circuit court shall certify that fact to the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. Upon reasonable notice to the owner, *the* [such an] appeal shall be tried at the earliest convenience of the court without the intervention of a jury, at any regular or special term or by the judge in vacation. At *the* [such]

trial, either party may present evidence relating to the right of the petitioner to condemn the land and material sought to be condemned. If the judge of the circuit court finds that the petitioner has the right to condemn *the* [said] property, the case shall not be remanded but the judge or court shall enter an order setting forth his findings and authorizing the petitioner to take possession of the lands and materials for the purposes and under the conditions and limitations set forth in the petition upon the payment to the owner, or to the clerk of the circuit court if the owner, refuses to accept it, the amount of the compensation awarded by the commissioners in their report to the county court. Within thirty days from the date of the order of the circuit court authorizing the petitioner to take such possession, either party may file exceptions to the award of the commissioners. If no exceptions to the award are filed, the court, on motion of the condemnor, shall enter a final judgment in the case. If either party files exceptions pertaining to the amount of the award, the issues of fact shall be tried by a jury in the circuit court in course as though on appeal from a judgment of the county court.

(3) Appeals may be taken to the Court of Appeals from the final judgment of the circuit court as in other cases except that an appeal by the owner shall not operate as a supersedeas.

(4) The payment by the condemnor of the amount of compensation awarded and the taking possession of the lands and material condemned shall not prejudice its right to appeal from the judgment of any court, nor shall the acceptance by the owner of the amount of the compensation awarded prejudice his right to appeal from the judgment of any court.

(5) If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter increased upon an appeal, the condemnor shall pay interest to the owner at the rate of six percent per annum upon the amount of such increase from the date the condemnor took possession of the land and material. If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter decreased upon an appeal, the condemnor shall be entitled to a personal judgment against the owner for the amount of the decrease plus interest at the rate of

six percent per annum from the date the condemnor paid the amount of compensation into court or to the owner.

(6) Upon the final determination of an appeal, the circuit court shall make such orders as may be proper for the conveyance of the title, to the extent condemned, to the land and material.

Section 164. KR S434.310 is amended to read:

Any person who willfully and maliciously makes, circulates or transmits to others any false statement, rumor or suggestion, written, printed or by word of mouth, which is directly or by inference derogatory to the financial condition or affects the solvency of any bank or trust company doing business in the state, any foreign or domestic insurance company or any *Savings* [building] and loan association doing business in this state, or who counsels, aids, procures, or induces another to start, transmit or circulate any such statement or rumor shall be fined not less than two hundred dollars nor more than one thousand dollars, or imprisoned for not less than twenty nor more than one hundred days, or both.

Section 165. KRS 447.151 is amended to read:

The Court of Appeals, by rules promulgated from time to time, shall regulate pleading, practice, procedure and the forms thereof in all civil proceedings in all courts of the state, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. *The* [Such] rules shall not abridge, enlarge or modify the substantive rights of any litigant. [The Court of Appeals shall promulgate the initial rules pursuant to KRS 447.151 to 447.157 on July 1, 1953, and such rules shall become effective as of that date.]

Section 166. KRS 452.415 is amended to read:

An action to settle the estate of a deceased person, of a person, corporation or company assigned for the benefit of creditors, *or* [of] any estate in the hands of a receiver of court must be brought in the county in which *the* [such] personal representative, assignee or receiver qualified. [and] *F* [f] or the purpose of a settlement of such estates, *the* [such] personal repre-

sentative, assignee or receiver, shall have the same power to sue as had the deceased person, the assignor, or owner of the estate in such receiver's hands, but any action brought *by a* [such] personal representative, assignee or receiver, for the recovery of or sale of under a mortgage, deed of trust or other lien, or *for* charges upon, or injury to real estate or an estate or interest therein, must be brought in the county in which *the* [such] real estate is situated, and not elsewhere. [and that in any suit heretofore brought and which is now pending in any county in this state, for the settlement of the estate of a deceased person, or of a person, corporation or company assigned for the benefit of creditors, and in which the enforcement of mortgage liens, or other liens, upon real estate, or for the recovery of real estate or an interest therein, the judge of said court in which such action is pending, shall by proper orders transfer, for hearing and trial, that part of the record necessary for the enforcement of such liens or the recovery of such real estate to the circuit court of the county in which such land or a part thereof is situated, and such shall be docketed and stand for trial in the court to which same is transferred under this section as other causes of like nature, as if originally brought in such court.]

Section 167. Chapter 283 of the 1962 Acts of the General Assembly is amended to read:

(1) A guaranteed arrest bond certificate presented by the person whose signature appears thereon shall be accepted in lieu of cash bail in an amount not to exceed two hundred dollars as a bail bond to guarantee the appearance of such person in any court of this Commonwealth, at the time required by such court, when he is arrested for violation of any law of this Commonwealth or traffic ordinance of any municipality therein relating to the operation of a motor vehicle. A guaranteed arrest bond certificate so presented as a bail bond is subject to the same forfeiture and enforcement provisions as a bail bond or cash bail, but is not subject to *Rule 4.08 of the Kentucky Rules of Criminal Procedure.* [Sections 76, 77, 78 and 82 of the Code of Practice in Criminal Cases.] However:

(a) The violation must have been committed prior to the expiration date shown on the guaranteed arrest bond certificate, and

(b) A guaranteed arrest bond certificate may not be accepted when a person is arrested for violation of subsection (2) of KRS 189.520 or KRS Chapter 281.

(2) As used in this section, "guaranteed arrest bond certificate" means a printed card or other certificate issued by an association to any of its members, which is signed by the member and contains a printed statement that such association and a surety company licensed to do business in this Commonwealth:

(a) Guarantee the appearance of the person whose signature appears on the card or certificate, and

(b) Will, in the event of the failure of such person to appear in court at the time set for appearance, pay any fine or forfeiture imposed upon such person in an amount not to exceed two hundred dollars.

Section 168. The following statutes are repealed: KRS 7.122, 21.240, 21.990, subsection (4) of 26.450, 44.115, 46.050, 64.265, 64.760, 79.090, 82.210, 82.220, 82.230, 82.240, 82.250, 99.320, 131.207, 132.680, 138.357, 153.030, 177.930, 189.991, 189.992, 197.260, subsection (2) of 197.990, 199.580, 232.010, 232.020, 232.030, 232.040, 232.050, 232.990, 258.315, 341.565, 413.075, 447.200, 447.310 and KRS Supp. (1966) 69.050, 76.230, subsection (2) of 131.310, 131.311, 148.231, 189.994, 189.995, 243.715, and 365.251.

Section 169. (1) Nothing in this Act shall be construed to effect any substantive change in the statute law of Kentucky and if any substantive change appears to be effected it shall be disregarded and the law as it existed prior to the effective date of this Act shall continue in full force and effect.

(2) In the event that any Act passed during the 1968 Regular Session of the General Assembly:

(a) Amends, or repeals and reenacts, a statute section also amended, or repealed and reenacted, by this Act, then effect shall be given to both Acts insofar as there is no conflict in substance. In the event of a conflict in substance, the provisions of the other Act prevails to the extent of such conflict.

(b) Amends, or repeals and reenacts, a statute section

repealed by this Act, then such repeal in this Act has no effect.

(c) Repeals a statute section amended, or repealed and reenacted, by this Act, then such repeal in the other Act prevails.

Committee Amendment to **SB 122** is as follows:

Amend printed copy of Senate Bill 122 on page 189, line 14, by:

extending the brackets to include the word "an"

And on page 189, line 16, by: closing the brackets at the end of the word "such"

and on page 192, line 9, by: adding after the word "brought" the word "by"

SB 177, AN ACT relating to the Legislative Research Commission and its subcommittees.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. KRS 7.110 is amended to read as follows:

(1) The Commission or any member thereof, or an employe duly authorized by the Commission or the chairman thereof, *or any subcommittee of the Commission or the Chairman thereof,* shall have access to all records of every agency, division or department of state government, and of any agency or institution, public or private, which has been the recipient of public funds. The Commission or any member thereof, or any employe duly authorized by the Commission or the chairman thereof, *or any subcommittee of the Commission or the Chairman thereof,* may require information on oath of any person touching any matter which he is instructed to investigate, study or audit, and shall have the power to subpoena witnesses and records for such purpose, and otherwise compel the giving of evidence of any matter under study. If any person fails or refuses to testify or furnish documentary evidence concerning any matter with respect to which the Commission, *or any subcommittee thereof,* desires information pertaining to the studies in which it is engaged, the Franklin Circuit Court, on application of the Commission, *or any subcommittee thereof,* may compel obedience by

proceedings for contempt as in the case of disobedience of a subpoena issued from the circuit court or a refusal to testify therein. Every witness so subpoenaed under this section shall receive for his attendance the fee and mileage provided for witnesses in civil cases in circuit court, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness and approved by the Commission.

(2) All state agencies and institutions shall cooperate with the Commission to effectuate the purposes of KRS 7.090 to 7.110 and shall submit copies of their annual or biennial reports to the Commission.

(3) The Commission shall encourage and arrange conferences with officials of other states and of other units of government; carry forward the participation of this state as a member of the Council of State Governments, both regionally and nationally, and formulate proposals for cooperation between this state and other states. The Legislative Research Commission shall function as Kentucky's Commission on Interstate Cooperation in carrying out the program of the Council of State Governments as it relates to Kentucky.

(4) The Commission shall designate persons to represent Kentucky at the National Conference of Commissioners on Uniform State Laws. The Commission shall report the findings and recommendations of the National Conference to the General Assembly. Any funds appropriated to the Commissioners on Uniform State Laws shall be paid out on vouchers approved by the director of the Commission.

(5). The Commission may establish such subcommittees and advisory citizens' committees as may be convenient or desired for the proper and efficient performance of its functions. Members of the General Assembly designated to serve on subcommittees shall receive the same travel allowances and compensation for attending meetings as Commission members receive for attending meetings of the Commission. The Commission shall report its findings, either with or without recommendations, to the Governor of the Commonwealth, and to each member of the General Assembly at least thirty days prior to the convening of each regular session of the General Assembly.

(6) On sine die adjournment of the General Assembly, the standing committees of the Senate and the standing committees of the House of Representatives of the General Assembly shall be constituted subcommittees of the Legislative Research Commission. Meetings of these subcommittees shall be called by the chairman of the subcommittee with the approval of the Commission.

SB 176, AN ACT providing for a method of gathering information as to the research efforts of the Commonwealth.

WHEREAS, there exists a clear need for a method and central place, for determining the research efforts of the Commonwealth,

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 7 is created to read as follows:

(1) As used in this Act:

(a) "Departments and administrative bodies" means those departments and administrative bodies defined in KRS 12.010 or enumerated in KRS 12.020.

(b) "Contract Research" means research or studies contracted for by the "Departments and Administrative bodies" as defined in (1)(a).

(2) All departments and administrative bodies shall when entering into agreements for contract research or studies file a copy of such agreements and supporting documentation with the Director of the Legislative Research Commission within fifteen days of the effective date of such agreements.

(2) A copy of all preliminary and final reports, studies or other documentation received by departments and administrative bodies under contract research agreements shall be filed with the Director of the Legislative Research Commission within fifteen days after receipt by contracting departments and administrative bodies.

HR 79, A CONCURRENT RESOLUTION recognizing the 200th Anniversary of the first crossing of Cumberland Gap.

WHEREAS, the westward expansion of this nation beyond the Alleghenies owes much of its beginning to the pioneering and exploration spirit of Daniel Boone and those who followed him; and

WHEREAS, the first significant exploration by Daniel Boone came on or about June 1, 1769 as he passed through the Cumberland Gap at the point near where the states of Kentucky, Tennessee and Virginia meet and into the valley now occupied by Middlesboro, Kentucky; and

WHEREAS, the Cumberland Gap has, since this first crossing by Boone on foot which led directly to the construction by Boone and his men of the famous "Wilderness Road" through the Gap toward the Bluegrass of Kentucky opening the roads west, continued to welcome the pioneers of yesteryear and the travelers of today; and

WHEREAS, the event above mentioned and those pioneering days immediately following and the 200 years last past emphasize the national spirit of the United States in pioneering and exploration from the days of Boone, on foot, through the historically significant Cumberland Gap to the continuation of that spirit in the pioneering and exploration of space, the moon and the universe; and

WHEREAS, it is altogether fitting that this Commonwealth take special note of this significant 200th Anniversary in our country's history, commend the activities of the National Pioneering and Exploration celebration in Middlesboro, Kentucky, to take place from June 1, 1969, and during that summer;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

1. That all state agencies be requested to do any and all such things as they may deem appropriate and prudent to further the commemoration of the 200th Anniversary of the first-crossing of the Cumberland Gap by Daniel Boone; and

2. That this legislative body by passage of this resolution does further recognize and officially observe the national importance of this important landmark, the Cumberland Gap, and all that it stands for in the significance of the national spirit of this country which led to its founding and eventual development and further pioneering gusts and that this landmark continue to receive its due emphasis as embodied within the boundaries of the Cumberland Gap National Historical Park.

HR 85, A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a comprehensive study relating to possible unconstitutional laws which still appear in the Kentucky Revised Statutes and administrative regulations promulgated pursuant thereto and making recommendations for revising, consolidating or repealing such laws at the earliest possible time.

WHEREAS, KRS 7.100 and 7.120 charge the Legislative Research Commission with the responsibility to make investigations into statute law and legislation to aid the General Assembly in performing its duties in the most efficient and economical manner and to submit to the General Assembly proposals for consolidation and revision of the statutes, and

WHEREAS, it appears that the present statutes and administrative regulations promulgated pursuant thereto may contain unconstitutional provisions which yet remain as a portion of the Kentucky Revised Statutes and administrative regulations promulgated pursuant thereto,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Legislative Research Commission is hereby directed to make a comprehensive study relating to possible unconstitutional laws and administrative regulations promulgated pursuant thereto appearing in the Kentucky Revised Statutes and administrative regulations promulgated pursuant thereto and make recommendations for revising, consolidating, or repealing such laws at the earliest possible time.

HB 498, AN ACT relating to sabotage and dynamiting of public and other buildings and premises, prescribing the punishment therefore.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

Any person who shall willfully and knowingly dynamite, blow-up or otherwise sabotage, wreck, destroy, injure or damage, in whole or in part, or attempt to do so, or conspire or connive to do so, any of the property mentioned in Section 2 of this Act, shall be confined in the penitentiary for not less than ten nor more than twenty years.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

The properties included within the terms of Section 1 of this Act are the following:

(1) Any public building, place, structure, waters or other property, real or personal, of any kind or character whatsoever, within this state, belonging to or leased by this stae, or any county or municipality thereof; including wharves, piers, locks and docks, bridges, culverts, sewers and highways; conduits, pipelines, canals, reservoirs, mills, dams, races and other structures, equipment and apparatus used in supplying water to the public or any portion thereof; municipal gas and electric light and power plants; buoys, beacons, lights and watermarks; and including, in every case, any and all poles, lines, wires, dynamos, pipes, conduits, stations, connections, materials supplies apparatus and equipment of any and every kind connected with any of such property; and including all other public property of every description.

(2) Any water, gas, electric light or power, transmission, telephone, telegraph, canal or turnpike property or plant, within this state, belonging to or leased by any corporation, firm or individual, and used in supplying or serving the public or any portion of the public, including any and all poles, lines, dynamos,

wires, pipes, conduits, connections, stations, canals, mills, dams, races, reservoirs, locks, docks, wharves, materials, supplies and other property, apparatus and equipment of any and every kind, connected with any such plants, or property.

(3) Any mills, warehouse, storage house, manufactory, printing or publishing plant, mechanical plant, mercantile establishment, abattoir, place where horses, cattle, stock, meats or food of any kind may be kept or stored within this state, including any and all machinery, apparatus, equipment, and appurtenances connected therewith.

(4) Any stem or electric railroad property, within this state, including all tracks, spurs, trains, engines, cars, rolling stock, stations, depots, roundhouses, warehouses, yards, tunnels, culverts, bridges, viaducts, plant and other property, apparatus and equipment of any and every kind connected therewith.

(5) Any steamship or steamboat property, within this state, including all ships, boats, vessels, wharves, piers, docks, warehouses and any and all apparatus, equipment and appurtenances connected therewith.

(6) Any church, parsonage, asylum, hospital, seminary, sanatorium, infirmary, library, school, college, university or other institution within this state, and any and all buildings, appurtenances, apparatus, equipment, supplies and other property and effects connected therewith.

HB 529, AN ACT relating to communications designed to influence legislation.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. It is unlawful for any corporation to transmit or pay for transmitting through any telegraph line in the state any communication designed to influence legislation, if such communication is signed in the name of an individual, other than the name of an individual who is authorized to sign communications in behalf of the corporation.

Section 2. It is unlawful for any individual to transmit or pay for transmitting through any telegraph line in the state any communication designed to influence legislation, if such communication is signed in a name other than his own, unless he has the written permission of the individual in whose name the communication is signed.

Section 3. Any corporation or individual violating any provision of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars.

Section 4. The Attorney General may institute action against any person or corporation violating any provision of this Act at the request of any member of the General Assembly or on his own volition.

HB 528, AN ACT relating to state representative districts.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. The opening clause and subsections (64) and (65) of KRS 6.030 are amended to read:

Kentucky is divided into the following representative districts:

(64) Sixty-fourth District: That part of the County of Kenton, partly in the City of Covington, described as follows: Beginning at the point of intersection of the center line of Delmar Place and the Licking River; thence west with the center line of Delmar Place to the center line of Eastern Avenue; thence north with the center line of Eastern Avenue to the center line of Nineteenth Street; thence west with the center line of Nineteenth Street to the center line of Garrard Street; thence south with the center line of Garrard Street to the center line of Corporation Street; thence west with the center line of Corporation Street and the westerly extension of the center line of Corporation Street to the center line of the L. & N. (K. C. Division) Railroad tracks; thence south with the center line of said railroad tracks to the center line of Ridge Street; thence west with the center line of Ridge Street extended westwardly to the

center line of Rodgers Street extended northwardly; thence south with the center line of Rodgers Street extended and the center line of Rodgers Street to the center line of Thirty-fifth Street; thence east with the center line of Thirty-fifth Street to the center line of Decoursey Street; thence south with the center line of Decoursey Street and Winston Avenue to the center line of Thirty-eighth Street; thence west with the center line of Thirty-eighth Street to the west corporation line of the City of Covington; thence south with said corporation line to the north corporation line of the City of Winston Park at the center line of Ky. 16; thence south with the center line of Ky. 16 to the intersection of the center line of Ky. 16 and Taylor Mill Road; thence west and at a right angle to said intersection *1500* [500] feet; thence south and parallel to Taylor Mill Road to a point opposite the center lines of Schumacher Road; thence south and parallel to and *1500* [500] feet west of Ky. 16 to a point just north of Hands Road; thence west with a line to the concrete bridge over Fowler Creek on the L. L. L. Highway; thence south with the center line of L. L. L. Highway to the center line of Richardson Road; thence west with the center line of Richardson Road to the center line of Narrows Road; thence north with the center line of Narrows Road to the center line of Nelson Road; thence east with the center line of Nelson Road to the center line of Bullock Pen Creek; thence west with Bullock Pen Creek and the center line of Rice Creek Road to the center line of the Southern Railroad; thence south with the center line of the Southern Railroad to the Boone County Line; thence south with the Boone County Line to the Grant County Line; thence east with the Grant County Line and the Pendleton County Line to the Licking River; thence north with the Licking River to the place of beginning.

(65) Sixty-fifth District: That part of the County of Kenton, partly in the City of Covington, described as follows: Beginning at a point of intersection of the center line of Delmar Place and the Licking River; thence west with the center line of Delmar Place to the center line of Eastern Avenue; thence north with the center line of Eastern Avenue to the center line of Nineteenth Street; thence west with the center line of Nineteenth Street to the center line of Garrard Street; thence south with

the center line of Garrard Street to the center line of Corporation Street; thence west with the center line of Corporation Street and the westerly extension of the center line of Corporation Street to the center line of the L. & N. (K. C. Division) Railroad tracks; thence south with the center line of said railroad tracks to the center line of Ridge Street; thence west with the center line of Ridge Street extended westwardly to the center line of Rodgers Street extended northwardly; thence south with the center line of Rodgers Street extended and the center line of Rodgers Street to the center line of Thirty-fifth Street; thence east with the center line of Thirty-fifth Street to the center line of Decoursey Street; thence south with the center line of Decoursey Street and Winston Avenue to the center line of Thirty-eighth Street; thence west with the center line of Thirty-eighth Street to the west corporation line of the City of Covington; thence south with said corporation line to the north corparation line of the City of Winston Park at the center line of Ky. 16; thence south with the center line of Ky. 16 to the intersection of the center lines of Ky. 16 and Taylor Mill Road; thence west and at a right angle to said intersection *1500* [500] feet; thence south and parallel to Taylor Mill Road to a point opposite the center line of Schumacher Road; thence south and parallel to and *1500* [500] feet west of Ky. 16 to a point just north of Hand Road; thence west with a line to the concrete bridge over Fowler Creek on the L. L. L. Highway; thence south with the center line of L. L. L. Highway to the center line of Richardson Road; thence west with the center line of Richardson Road to the center line of Narrows Road; thence north with the center line of Narrows Road to the center line of Nelson Road; thence east with the center line of Nelson Road to the center line of Charter Oak Road; thence north with the center line of Charter Oak Road to the center line of Dudley Road; thence east with the center line of Dudley Road to a point in the eastern boundary of the City of Crestview Hills extended southwardly; thence north with this line to the southeast corner of the corporation lines of the City of Crestview Hills; thence with a line eastwardly to the west end of the St. Johns Orphanage southern property line; thence east with said property line to the center line of Orphanage Road; thence northwardly with the center

line of Orphanage Road to a point opposite the southern boundary of the City of S. Ft. Mitchell; thence east and at right angles to Orphanage Road to the southern boundary of the City of S. Ft. Mitchell; thence in an eastwardly northwardly direction along the boundary lines of S. Ft. Mitchell, the property lines of St. Mary's and Highland Cemeteries, the center line of Highland Road, the corporation line of the City of Ft. Wright to the west corporation line of the City of Covington; thence north with the west corporation line of the City of Covington to the center line of Montaque Road and Lewis Street; thence northeast and with the line of Devou Park to the center line of Eighth Street extended westwardly; thence east along the center line of Eighth Street to the center line of Willow Run; thence south with the center line of Willow Run to the center line of Pike Street; thence east with the center line of Pike Street to the center line of Main Street; thence south with the center line of Main Street to the center line of Twelfth Street; thence east with the center line of Twelfth Street to the center line of Madison Avenue; thence north with the center line of Madison Avenue to the center line of Eleventh Street; thence east with the center line of Eleventh Street to the Licking River; thence south with the Licking River to the place of beginning.

HB 497, AN ACT relating to the manufacture, possession, sale, or use of bombs and explosive devices.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) As used in this Act, unless the context otherwise requires, bomb means any inflammable, explosive, or combustible material, substance, or device including but not limited to homemade fire bombs.

(2) Any person who willfully and knowingly, manufactures, sells or transfers any bomb for unlawful use against the person or property of another shall be confined in the penitentiary for not less than one nor more than three years.

(3) Any person who willfully and knowingly carries or possesses any bomb with intent to use the same unlawfully against the person or property of another shall be confined in the penitentiary for not less than one nor more than three years.

(4) Any person who willfully and knowingly throws, or sets off any bomb with the intent to injure, damage or destroy the person or property of another shall be confined in the penitentiary for not less than five nor more than ten years.

HB 154, AN ACT relating to automobile liability insurance for state police and making an appropriation therefor.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. KRS 16.075 is amended ot read:

(1) The Department of Public Safety *shall* [may] secure such automobile liability insurance as will reasonably protect the interest of members of the state police when in the conduct of official business.

(2) Policies authorized by this section shall be purchased only in accordance with regulations prescribed by the Commissioner of Insurance and the Commissioner of Finance.

Section 2. For the purposes of this Act, there is hereby appropriated to the Department of Public Safety out of the General Expenditure Fund in the State Treasury, the sum of thirty thousand dollars for the fiscal year of 1968-69, and a like amount of the fiscal year 1969-70.

HB 448, AN ACT relating to the Kentucky National Guard.

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. (1) Registration plates bearing the words "Kentucky National Guard" may be displayed only on motor vehicles primarily designed to carry passengers registered in the names of members of the Kentucky Army National Guard or Kentucky Air National Guard.

(2) The issuance of such registration plates shall be in lieu of the plates normally issued for display on such motor vehicles.

(3) The county clerk shall issue plates to those persons who present proof of membership in the Kentucky Army National Guard or Kentucky Air National Guard. The Adjutant General shall prescribe the forms to be used in presenting such proof.

(4) The clerk shall receive the sum of one dollar in addition to the normal license fee which shall be turned over to the Department of Revenue to cover the cost of the distinctive registration plates.

Section 2. Any owner of a motor vehicle bearing a registration plate with the words "Kentucky National Guard" who sells, trades, exchanges or otherwise disposes of such vehicle shall retain such registration plate and return it to the county clerk. The registration plate normally issued for such vehicle shall be displayed thereon prior to such sale, trade or exchange.

Section 3. KRS 186.240 is amended to read:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.020 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky." and the name of the county in which the plate is issued or in lieu thereof the words "Official," "Highway," "Executive," "Farm," or in the case of plates for commercial vehicles, such words or information as the Department of Motor Transportation may by regulation provide and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned exclusively by the state. A state slogan may be placed upon such plate if so desired.

(4) Furnish to each clerk each year, based upon the estimate furnished by the Adjutant General to the department and thereafter upon requisition, at all times a sufficient supply of plates of such color and design as may be agreed upon by the Adjutant General and the Commissioner, Department of Revenue which shall bear the words "Kentucky National Guard." Such plates need not carry the county of issuance.

(5) [(4)] Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1, or, in the case of commercial vehicles, trailers, semitrailers and house trailers, not later than February 1.

(6) [(5)] The Department of Revenue shall receive all moneys forwarded by the clerk in each county and turn same over to the State Treasurer for the benefit of the State Road Fund. Out of this fund there shall be appropriated to the Department of Revenue and the Department of Motor Transportation an amount to be expended in the manner provided by law

for the administration of their functions with regard to KRS 186.020 to 186.260.

(7) [(6)] The Department of Revenue shall require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

(8) [(7)] When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the department.

The Committee on State Government reported **HB 467, HB 303** and **HB 570** without expression of opinion.

The Committee on Business Organizations and Professions reported **HB 62** with Committee Amendment attached thereto, **HB 501, HB 524** with Committee Amendment attached thereto, and **SB 46** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 62, AN ACT relating to the retail sale of alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) A special distilled spirits, wine and malt beverage license, for retail sale by the drink on Sunday, may be issued to any restaurant, or other place which serves food for consumption on the premises, if it meets the requirements of this section. It authorizes the licensee to sell distilled spirits and wine by the drink, and malt beverages, at retail for consumption on the premises, on Sunday between the hours of 12 noon and 12 midnight. In sales by the drink the licensee has the same privileges and is subject to the same restrictions as a retail drink licensee. In sales of malt beverages the licensee has the same privileges and is subject to the same restrictions as a malt beverage retailer.

(2) No license shall be issued under this section unless the applicant meets the following requirements:

(a) Owns or operates an established place of business that regularly serves meals for consumption on the premises and offers a menu on Sunday and on at last five of the other six days of the week which consists of at least three different appetizers, six different meats or sea foods, three different vegetables, three different salads and three different desserts. All of these varieties of food shall be available for purchase during regular business on the days required in this subsection; and

(b) Has a retail drink license issued pursuant to KRS 243.030 if distilled spirits or wine are to be served, or a retail malt beverage license issued pursuant to KRS 243.040 if only malt beverage is to be served, or both of these licenses if distilled spirits, wine and malt beverages all are to be served.

(3) KRS 243.080 shall not apply to the fee required for a license issued under this section and any county or city fee required to be paid for the same privilege shall be in addition to the fee required to be paid for the state license under this section.

(4) The fee for a license issued under this section shall be $1,000 per year. The license shall expire on June 30 of each year and a new application with fee must be made each year. The Kentucky Alcoholic Beverage Control Board shall administer this section and shall require application and information from applicants as it deems necessary to carry out the provisions of this section.

(5) Every licensee licensed under this section shall each month file with the Kentucky Alcoholic Beverage Control Board a copy of the menu or menus to be used in his licensed business for the coming month. The menu, or menus, filed shall be accompanied by a statement, sworn to by the licensee or if a corporation by an officer of the corporation, that the food shown on the menu can be obtained at the licensed business during the coming month.

Section 2. Section 244.290 of the Kentucky Revised Statutes is amended to read as follows:

No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to

remain open for any purpose between midnight and 8 a.m., or at any time during the twenty-four hours of a Sunday, or during the hours the polls are open on any regular, primary, school or special election day, provided, that if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section; except that the city council, board of aldermen, or other municipal legislative body of cities of the first, second or third class in which traffic in distilled spirits and wine is permitted under Chapter 242 shall have the exclusive right and power, by ordinance duly enacted, to establish the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries, and except further that the fiscal court of each county in which cities of the first, second or third class are located shall have the exclusive right and power to establish the hours and times in which distilled spirits and wine may be sold over that portion of the county which lies without the corporate limits of such cities, except any portion in which distilled spirits and wine are prohibited from being sold. Provided, however, that no distilled spirits or wine may be sold in any portion of the counties containing cities of the first, second or third class during the twenty-four hours between 6 a.m., Sunday and 6 a.m., Monday, and that no distilled spirits or wine may be sold on any such election day while the polls are still open; and provided, also, that all stocks of distilled spirits and wine must be kept locked during the hours which the licensee is prohibited from selling same; *and provided also, that the prohibitions in this section, against Sunday sales, shall not apply to a licensee licensed under Section 1 of this Act, in so far as they conflict with Section 1 of this Act.*

Section 3. Section 244.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), no brewer or distributor shall deliver any malt beverages on Sunday or be-

tween the hours of 7 p.m. and 6 a.m. on any week day except Saturday, when the hours of deliveries shall be between 6 a.m. and midnight. No retailer shall sell, give away or deliver any malt beverages between midnight and 6 a.m. or at any time during the twenty-four hours of a Sunday or during the hours the polls are open on an election day.

(2) The legislative body of a city of the first, second or third class in which traffic in malt beverages is permitted by KRS Chapter 242, shall have the exclusive power, subject to subsection (3), by ordinance, to establish the times in which malt beverages may be sold within its jurisdictional boundaries. The fiscal court of each county in which a city of the first, second or third class is located shall have the exclusive power, subject to subsection (3), to establish the times in which malt beverages may be sold in that portion of the county which lies without the corporate limits of such a city, except any portion in which malt beverages are prohibited by KRS Chapter 242 from being sold.

(3) Notwithstanding subsections (1) and (2):

(a) The hours so fixed by the legislative body of a city of the first, second or third class, and by fiscal courts, shall not prohibit the sale, gift or delivery of any malt beverages between 6 a.m. and midnight during week days; and

(b) No malt beverages shall be sold on any election day while the polls are still open; *and*

(c) Nothing in this section shall prohibit the sale of malt beverages on Sunday, by a licensee licensed under Section 1, during the hours in which Sunday sales are permitted by Section 1 of this Act.

Committee Amendment to **HB 62** is as follows:

Amend printed copy of House Bill 62 on page 5, line 20, by: adding after line 20:

Section 4. The provisions of this Act shall become effective in a territory in which prohibition is not in effect under the provisions of KRS Chapter 242. The provisions of this Act shall become effective in said territory only after approval at a local option election held pursuant to KRS 242.020 to 242.125. The

proposition to be stated on the ballot under KRS 242.050 for the purposes of this Act shall be, "Are you in favor of the 12 noon to 12 midnight Sunday sale of alcoholic beverages by the drink only on the premises of an establishment serving food in (name of county or city)?"

HB 501, AN ACT relating to quarter horse racing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act "quarter horse" means a horse that is registered with the American Quarter Horse Association of Amarillo, Texas.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

(1) The Kentucky Quarter Horse Commission shall be an agency independent of state administrative departments.

(2) The commission shall consist of three persons appointed by the Governor. The members of the commission shall hold their offices for a term of four years.

(3) The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the General Assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

(1) The Governor shall appoint a secretary of the commission, for a term of not exceeding four years.

(2) The secretary shall keep a full record of the proceedings of the commission, preserve at its general office all books, maps, documents and papers entrusted to the commission, and perform such other duties as the commission prescribes.

(3) The secretary shall receive an annual salary which shall be fixed by the commission, and which shall be paid by proportionate contributions of the several quarter horse associations licensed by the commission. The commission, on or before December 1 of each year, shall assess upon each quarter horse association its just proportion of the salary of the secretary.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) The commission may prescribe the regulations and conditions under which quarter horse races shall be conducted in this state.

(2) An association desiring to conduct quarter horse races may annually apply to the commission for a license. If in the judgment of the commission a proper case for issuance is shown, it may grant the license for a term of one year. Every license shall contain a condition that all quarter horse races or meetings conducted under it shall be subject to the regulations and conditions from time to time prescribed by the commission.

(3) A license shall be revocable by the commission for any violation of it or whenever the continuance of the license is deemed by the commission not conducive to the interests of legitimate racing. If a license is refused or revoked, the commission shall publicly state its reasons for the refusal or revocation and those reasons shall be written in full in the minute book of the commission, which shall at all times be subject to inspection by anyone desiring to inspect it. A refusal of the commission to grant to any quarter horse association a license, or to assign any quarter horse association at least forty days in each year, if desired for quarter horse races or meetings at the track of the association, and the revocation of the license of any association shall be subject to judicial review.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

(1) No quarter horse race shall be conducted except by an association licensed by the commission.

(2) No person shall operate or participate in any quarter

horse race meeting at which quarter horse racing is permitted for a prize or stake, unless the race meeting has been licensed under this Act.

(3) Every quarter horse race not licensed under this Act is a public nuisance, and the commission may obtain an injunction against it, in the circuit court of the county where the unlicensed race is proposed to take place.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

(1) An association formed for the purpose of racing and breeding or improving the breed of quarter horses and conducting contests of speed may hold one or more quarter horse race meetings between April 1 and December 1 of each year.

(2) At such meetings the association or the owners of the horses engaged in the quarter horse races, or others that are not participants in the racing, may contribute prizes or stakes to be contested for, but no person other than the owner of a horse contesting in a quarter horse race shall have any pecuniary interest in a prize or stake contested for in that race, or be entitled to, or receive any portion of the prize or stake after the race has been finished. The whole of the prize or stake shall be allotted in accordance with the terms of the race.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

No person shall knowingly enter or cause to be entered for competition, or compete, for a prize or stake, or ride any horse under an assumed name, or out of its proper class, where the prize or stake is to be decided by a contest of speed.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

(1) No person shall change the name of any horse for the purpose of entry for competition in any contest of speed, after the horse has once contested for a prize or stake, except as provided by the code of rules of the association under which the contest is advertised to be conducted.

(2) The class to which a horse belongs, for the purpose of an entry in any contest of speed, shall be determined by the public performance of that horse in any former contest or trial of speed, as provided by the rules of the association under which the proposed contest is advertised to be conducted.

(3) No person shall knowingly misrepresent or fraudulently conceal the public performance in any former contest, or trial speed, of any horse that he proposes to enter in a contest, whether the horse is actually entered or not.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

No official timer at any quarter horse race shall announce willfully and falsely a slower or faster time than that actually accomplished by a horse, when the result of that race is to constitute a record.

Section 10. A new section of the Kentucky Revised Statutes is created to read:

No license shall be issued to any individual or association owning or operating a quarter horse track until said individual or association posts a bond to be determined by the commission to cover any indebtedness said individual or association may incur during the days allotted for racing.

Section 11. A new section of the Kentucky Revised Statutes is created to read:

No quarter horse foaled by artificial insemination shall be eligible to race under the provisions of this chapter.

Section 12. A new section of the Kentucky Revised Statutes is created to read:

(1) The commission shall adopt rules governing and regulating mutuel wagering on thoroughbred races under what is known as the pari-mutuel system of wagering. Such wagering shall be conducted only by a person licensed under this Act to conduct a quarter horse race meeting and only upon the licensed premises and on the dates and hours for which racing has been

authorized by the commission. The pari-mutuel system of wagering shall be operated only by a totalizator or other mechanical equipment approved by the commission. The commission shall not require any particular make of equipment.

(2) In no event shall the operation of a pari-mutuel system for betting where authorized by law constitute grounds for the revocation or suspension of any license issued and held under this Act.

(3) All reported but unclaimed pari-mutuel winning tickets held in this state by any person or association operating a pari-mutuel or similar system of betting at thoroughbred race meetings shall be presumed abandoned within the meaning of KRS Chapter 393, if not claimed by the person entitled thereto within two years from the time the ticket became payable.

HB 524, AN ACT relating to the State Racing Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 230.220 of the Kentucky Revised Statutes is amended to read:

(1) There is hereby created the Kentucky State Racing Commission which shall be an independent agency of state government. The commission shall consist of *six* [five] members all of whom shall be appointed by the Governor. Not less than three of the members shall be breeders and raiser sof thoroughbred stock in Kentucky, and no two of the members shall be directors of the same racing association. Commissioners shall be appointed for a term of four years and until their successors are appointed and qualified. Any vacancy on the commission shall be filled by the Governor for the unexpired term. Each commissioner shall be eligible for reappointment in the discretion of the Governor. Commissioners shall serve without salaries, but shall be reimbursed for all expenses paid or incurred in the discharge of official business. The commission shall designate one of their number as chairman and another as vice-chairman. Before entering upon the discharge of their duties, each commissioner shall take the constitutional oath of office.

(2) The commission shall establish and maintain a general office for the transaction of its business and may in its discretion establish a branch office or offices. The commission may hold meetings at any of such offices or at any other place when the convenience of the commission requires. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings. A majority of the commission shall constitute a quorum for the transaction of its business or exercise of any of its powers.

Committee Amendment to **HB 524** is as follows:

Amend printed copy of House Bill 524 on page 1, line 5, by:

by removing the word "six" and inserting in lieu thereof the word "seven"

SB 46, AN ACT relating to the regulation of public accountants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 325.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The term "board" when used in KRS 325.220 to 325.440 means the State Board of Accountancy created by KRS 325.230.

(2) The term "state" when used in KRS 325.220 to 325.440 includes and means any state, territory or insular possession of the United States, or the District of Columbia.

(3) The term "public accountant" when used in KRS 325.220 to 325.440 means a public accountant issued a permit to practice by the State of Kentucky under the Public Accounting Act of 1946 as amended.

Section 2. Section 325.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a State Board of Accountancy in and for the State of Kentucky. The board shall consist of *five* [three] members, appointed by the Governor. Whenever an

appointment is to be made the Kentucky Society of Certified Public Accountants shall submit to the Governor the names of three persons *for each vacancy to be filled. All persons recommended must be* qualified for membership on the board and the Governor shall appoint one of the three. Members of the board shall be citizens of the United States and residents of this state who hold certified public accountant certificates issued under the laws of this state and who are in active practice as certified public accountants. The members of the board first to be appointed shall hold office, one for one year, one for two years, and one for three years from the effective date of KRS 325.220 to 325.440, the term of each to be designated by the Governor. *On July 1, 1968, two additional members shall be appointed, one for a one year term and one for a two year term. Succeeding appointments to the board shall be for a term* [Their successors shall be appointed for terms] of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of his term of office a member shall continue to serve until his successor shall have been appointed and shall have qualified. The Governor shall remove from the board any member whose permit to practice is not renewed or which has become void, revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause.

(2) Each member of the board shall be paid *thirty-five* [ten] dollars for each day spent in the discharge of his official duties and shall be reimbursed for his actual and necessary expenses therein incurred.

Section 3. Section 325.240 of the Kentucky Revised Statutes is amended to read as follows:

The board shall elect annually a president, a secretary and a treasurer from its members. The office of secretary and treasurer may be held by the same individual. The board may adopt, and amend from time to time, regulations for the orderly conduct of its affairs and for the administration of KRS 325.220 to 325.440. The board may also promulgate, and amend from time to time, rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of

public accounting. A majority of the board shall constitute a quorum for the transaction of business. The board shall have a seal which shall be judicially noticed. The board shall keep records of its proceedings, and in any proceeding in court, civil or criminal, arising out of or founded upon any provision of KRS 325.220 to 325.440, copies of said records certified as correct under the seal of the board shall be admissible in evidence as tending to prove the content of said records. The board shall have printed and published for public distribution, in *September* [July] of each year, an annual register which shall contain the names, arranged alphabetically by classifications, of all individuals and partnerships holding permits to practice under KRS 325.220 to 325.440; the names of the members of the board; and such other matters as may be deemed proper by the board. Copies of said registers shall be mailed to each registered practitioner. The board may employ clerks and arrange for assistance in the performance of its duties.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

The certificate of "certified public accountant" shall be granted by the board to any person:

(1) Who is a resident of this state or who has a place of business or is employed therein, and:

(2) Who has attained the age of twenty-one years, and who is of good moral character, and:

(3) Who possesses the educational and experience requirements below:

(a) A baccalaureate degree conferred by a college or university recognized by the board with a major or concentration program in accounting or its equivalent, and two years of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or

(b) A master's degree in accounting or business administration conferred by a college or university recognized by the

board, with the equivalent of a major or concentration program in accounting at either the graduate or undergraduate level, and one year of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or

(c) A baccalaureate degree conferred by a college or university recognized by the board, and three years of public accounting experience of a quality satisfactory to the board, including participation in the examination of financial statements for third party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or

(d) Until six years after July 1, 1968, a graduate of a high school and six years of public accounting experience of a quality satisfactory to the board, including the participation in the examination of financial statements for third party reliance, in the employ of a public accountant as defined in KRS 325.220 or a certified public accountant of any state, or

(e) Who holds a permit to practice as a public accountant as defined in KRS 325.220, and

(f) The experience requirement of Section 4 (3) (a) or (b) may be satisfied by four years experience as a field audit agent in the Internal Revenue Service, of which two years is at the journeyman level (presently GS-11 or its future equivalent) in auditing financial statements and supporting materials of three or more distinct lines of commercial or industrial businesses to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable laws and Government regulations. The Board shall be the sole and final judge of the qualification of experience under this section.

(g) The experience requirement of Section 4 (3) (c) may be satisfied by five years experience as a field audit agent of the Internal Revenue Service, of which three years is at the journeyman level (presently GS-11 or its future equivalent) in auditing financial statements and supporting material of three or more

distinct lines of commercial or industrial businesses to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable laws and Government regulations. The Board shall be the sole and final judge of the qualification of experience under this section.

(5) Application for a certificate of Certified Public Accountant shall be made on a form prescribed by the Board. The Board may set a fee for the issuance of a certificate not to exceed twenty-five dollars.

(4) Who shall have successfully passed a written examination in accounting and auditing, and in such other related subjects as the board may deem advisable.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any person shall be eligible for admission to the certified public accountant examination who meets the qualifications set forth in subsections (1) and (2) of Section 4 of this Act, and

(a) Who meets the educational requirements only of subsections (3) (a) or (b) of Section 4 of this Act, or

(b) Who meets both the educational and experience requirements provided in subsections (3) (c) or (d) of Section 4 of this Act before the date of application, or

(c) Who holds a permit to practice as a public accountant as defined in KRS 325.220.

(2) A candidate for the certificate of certified public accountant who has successfully completed the examination prior to completion of his qualifying experience as permitted under subsection (1) (a) of this Section is not a certified public accountant and shall not designate himself as such unless and until he has the requisite experience and has received his certificate as a certified public accountant.

(3) Candidates who meet the eligibility standards in force prior to the effective date of this Act but who do not meet the eligibility standards of this Act, shall be given two years from

the effective date of this Act in which to complete their requirements, and an additional year in which to make application.

Section 6. Section 325.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Examinations provided for in KRS 325.220 to 325.440 shall be held by the board as often as may be necessary in the opinion of the board, but not less frequently than once each year.

(2) The board may by regulation provide for granting a credit to a candidate for his satisfactory completion of a written examination in any one or more of the subjects specified in subsection (4) of Section 4 of this Act given by the licensing authority in any other state; provided that when he took such examination in such other state he met all the requirements for admission to the examination under Section 5 of this Act except for the requirement as to residence.

(3) The board may by regulation prescribe the terms and conditions under which a candidate who passes the examination in one or more of the subjects indicated in subsection (4) of Section 4 of this Act may be re-examined in only the remaining subjects, with credit for the subjects previously passed. It may also provide by regulation for a reasonable waiting period for a candidate's re-examination in a subject he has failed. Subject to the foregoing and such other regulations as the board may adopt governing re-examinations, a candidate shall be entitled to any number of re-examinations. [A candidate for the certificate of "certified public accountant" who fails in all subjects shall have the right to any number of re-examinations. A candidate who passes a satisfactory examination in any subject shall have the right to be re-examined in the remaining subjects only, at subsequent examinations held by the board, and if he passes in the remaining subjects within a period of time specified in the rules of the board, he shall be considered to have passed the examination.]

(4) The board shall charge each candidate a fee not to exceed fifty dollars for the initial examination. This fee shall be payable by the candidate at the time prescribed by regulation of the board. Should the candidate fail to pass the examination,

re-examination will be given the same candidate for an additional fee not to exceed twelve dollars and fifty cents for each subject in which the candidate is examined.

Section 7. Section 325.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Individuals who at the time of the enactment of KRS 325.220 to 325.440 held certified public accountant certificates heretofore issued under the laws of this state shall not be required to secure additional certificates under KRS 325.220 to 325.440 but shall otherwise be subject to all of their provisions; and such certificates heretofore issued shall, for all purposes, be considered certificates issued under KRS 325.220 to 325.440 and subject to all of their provisions.

(2) The board may in its discretion waive the examination *under Section 5 of this Act* [of,] and may issue a certificate as *a* "certified public accountant" to [,] any person possessing the [other] qualifications *specified* [mentioned] in *subsection (1) and (2) of Section 4 of this Act and what the board determines to be substantially the equivalent of the applicable qualifications under subsection (3) of Section 4 of this Act* [KRS 325.260 to 325.290], who is the holder of a certificate as *a* certified public accountant, *then in force,* issued under the laws of any state, *or is the holder of a certificate, license, or degree in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in force.*

[(3) The board may, in its discretion, permit the registration of any person of good moral character who is the holder of a certificate, license, or degree authorizing him to practice public accounting in a foreign country. A person so registered shall use only the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.]

Section 8. Section 325.340 of the Kentucky Revised Statutes is amended to read as follows:

After notice and hearing as provided in KRS 325.360, the board may revoke or suspend any certificate *of a certified public*

accountant issued under *this Chapter* [KRS 325.260 to 325.290] or any registration *of a public accountant* granted under KRS 325.310, or may revoke, suspend or refuse to renew any permit issued under KRS 325.330, or may censure the holder of any such permit, for any one or any combination of the following causes:

(1) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under KRS 325.220 to 325.440, or in obtaining a permit to practice public accounting under KRS 325.220 to 325.440.

(2) Dishonesty, fraud or negligence in the practice of public accounting.

(3) Violation of any of the provisions of KRS 325.380.

(4) *Violation of a rule of professional conduct promulgated by the board under the authority granted by this Act.* [Repeated violation of a rule of professional conduct promulgated by the board under the authority granted by KRS 325.220 to 325.440 after warning by the board that such continued violation will constitute grounds for proceedings hereunder.]

(5) Conviction of a felony under the laws of any state or of the United States.

(6) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state of the United States.

(7) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant or a public accountant in any state.

(8) Suspension or revocation of the right to practice before any state or federal agency [or court].

(9) Failure to become a citizen of the United States within six years by any person not a citizen of the United States when he received a certificate as certified public accountant under KRS 325.220 to 325.440.

(10) Failure of a certificate holder or registrant to obtain an annual permit to practice as required under KRS 325.330, *(a)* within three years from the expiration date of the permit to prac-

tice last obtained or renewed by said certificate holder or registrant, or *(b)* within three years of the date upon which the certificate holder or registrant was granted his certificate or registration, if no permit was ever issued to such registrant, provided, however, that no action affecting a certificate holder or a registrant shall be taken by the board under this subsection until it shall appear that such certificate holder or registrant failed to renew his permit for the year ending July 1, 1953, on or before that date, or failed to renew his permit for a year or years ending after July 1, 1953.

(11) Conduct discreditable to the accounting profession.

Section 9. Section 325.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant, unless such person has received a certificate as a certified public accountant under *this Chapter* [KRS 325.260 to 325.290] and holds a permit issued under KRS 325.330 which has not been revoked or suspended [, provided, however, that a foreign accountant who has registered under the provisions of KRS 325.280, and who holds a permit issued under KRS 325.330, and which has not been revoked or suspended, may use the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree].

(2) No partnership shall assume or use the title or designation "certified public accountants" or the abbreviation "CPA's" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such partnership is composed of certified public accountants unless such partnership is registered as a partnership of certified public accountants under KRS 325.300 and holds a permit issued under KRS 325.330 which has not been revoked or suspended.

(3) No individual shall assume or use the title or designation "public accountant" or any other title, designation, words,

letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant, unless such person is registered as a public accountant under KRS 325.310 and holds a permit issued under KRS 325.330 which has not been revoked or suspended, or unless such person has received a certificate as a certified public accountant under *this Chapter* [KRS 325.260 to 325.290] and holds a permit issued under KRS 325.330 which has not been revoked or suspended.

(4) No partnership shall assume or use the title or designation "public accountants" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such partnership is composed of public accountants, unless such partnership is registered as a partnership of public accountants under KRS 325.320 or as a partnership of certified public accountants under 325.300 and holds a permit issued under KRS 325.330 which has not been revoked or suspended.

(5) No individuals, partnership or corporation shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," or any other title or designation likely to be confused with "certified public accountant" and "public accountant" or any of the abbreviations "CA," "PA," "EA," "RA," or "LA," or similar abbreviations likely to be confused with "CPA" [,provided, however, that a foreign accountant who has registered under the provision of KRS 325.280 and who holds a permit issued under KRS 325.330 which has not been revoked or suspended, may use the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree].

(6) No individual shall affix his signature, with any wording indicating that he is an accountant or auditor, or with any wording indicating that he has expert knowledge in accounting or auditing, to any accounting or financial statement, or to any opinion on, report on or certificate to any accounting or financial statement, unless he holds a permit issued under KRS 325.330 which has not been revoked or suspended, provided, however, that the provisions of this subsection shall not prohibit any officer, employe, partner or principal of any organization from

affixing his signature to any statement or report in reference to the financial affairs of said organization with any wording designating the position, title, or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employe in the performance of his duties as such.

(7) No individual shall sign or affix a partnership name, with any wording indicating that it is a partnership composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement, unless the partnership holds a permit issued under KRS 325.330 which has not been revoked or suspended.

(8) No individual shall sign or affix a corporate name, with any wording indicating that it is a corporation performing services as accountants or auditors or composed of accountants or auditors of persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement.

Section 10. Section 325.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Nothing contained in KRS 325.220 to 325.440 shall prohibit any individual not a certified public accountant or public accountant from serving as an employe of, or an assistant to, a certified public accountant or public accountant or partnership composed of certified public accountants or public accountants holding a permit to practice under KRS 325.330; provided that such employe or assistant shall not issue any accounting or financial statement over his name.

(2) Nothing contained in KRS 325.220 to 325.440 shall prohibit a certified public accountant or a registered public accountant of another state, or any accountant *who holds a certificate, degree or license in a foreign country, constituting a recognized qualification for the practice of public accounting in such country,* [of a foreign country holding a certificate, degree or license which permits him to practice therein,] from temporarily practicing in this state on professional business incident

to his regular practice *outside this state; provided, that such temporary practice is conducted in conformity with the regulations and rules of professional conduct promulgated by the board.*

Section 11. Sections 325.260 and 325.315 of the Kentucky Revised Statutes are repealed.

Section 12. This Act shall become effective July 1, 1968.

The Committee on Public Utilities and Transportation reported **HB 175** with Committee Amendment attached thereto, **HB 348** with Committee Amendments attached thereto, **HB 389** and **HB 488** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 175, AN ACT relating to motor vehicle operator licensing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.440 of the Kentucky Revised Statutes is amended to read as follows:

An operator's license shall not be granted to:

(1) Any person under the age of sixteen.

(2) Any person whose operator's license has been suspended, during the period of suspension.

(3) Any person whose operator's license has been revoked, nor to any nonresident whose privilege of exemption under KRS 186.430 has been refused or discontinued, until the expiration of the period for which the license was revoked, or for which the privilege was refused or discontinued.

(4) An habitual drunkard or drug addict.

(5) Any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded with a certificate of the superintendent that the

applicant is competent. The State Police shall determine by examination that the person is competent to operate a motor vehicle with safety to persons and property.

(6) Any person who in the opinion of the State Police, after examination, is afflicted with such physical or mental disability as prevents him from exercising reasonable and ordinary control over a motor vehicle upon the highways.

(7) Any person who is unable to understand highway warnings or direction signs in the English language.

(8) Any person required by KRS 186.480 to take an examination who has not successfully passed the examination.

(9) Any person required by Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof.

(10) Any person who has not filed a correct and complete application signed in the presence of a person authorized to administer oaths.

(11) Any person of the ages of sixteen through eighteen who is not a graduate of a secondary school or who is not a student in good standing in a secondary school, public or private.

(12) [(11)] Any person whose operator's license has been suspended or revoked under the provisions of KRS Chapter 186 or 187 until the person has forwarded to the department a reinstatement fee of five dollars. The fee shall be paid by certified check or money order payable to the State Treasurer to be credited to a trust and agency fund to be used in defraying the costs and expenses of administering a driver improvement program for problem drivers.

Section 2. (1) The Department of Public Safety shall revoke the license of any person of the ages sixteen through eighteen whenever the Department is notified by any school authority that such person is not a graduate of a secondary school and is no longer a student in good standing in a secondary school, public or private.

(2) It shall be the duty of the authorities of secondary schools, public or private, to notify the Department of Public

Safety of any person of the ages sixteen through eighteen who, not having graduated, is no longer a student in good standing in such school.

(3) The Department of Public Safety shall prescribe such rules and regulations for the notification of the Department by secondary school authorities of persons of the ages sixteen through eighteen who, not having graduated from secondary school, are no longer students in good standing in such schools as will promote uniformity and efficiency in the administration of this Act, and it will also supply to such schools all blank forms to be used in such notification.

Committee Amendment to **HB 175** is as follows:

Amend printed copy of House Bill 175 on page 2, lines 21 to 23, by striking those lines entirely.

and on page 3, line 4, by inserting after the word "shall" the following words: ", unless after an inquiry by the Department, the absence of the student is determined to be justified, for such reasons as necessary gainful employment or other justifiable reason,"

HB 348, AN ACT relating to the filing of information as proof of financial responsibility.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 189.610 is amended to read as follows:

All required accident reports and supplemental reports shall be without prejudice to the individual making them, and shall be for the confidential use of the State Police, except that the State Police may disclose the identity of a person involved in an accident when his identity is not otherwise known or when he denies his presence at an accident, *and shall disclose the name of the insurance carrier and policy number only shown on certificates of insurance required by KRS 187.470 and 187.480, when so requested by any interested person.* No such report shall be used as evidence in any trial arising out of an accident, but the State Police shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court,

a certificate showing that a specified accident report has or has not been made to the State Police, solely in order to prove compliance or non-compliance with the requirements of KRS 189.580 and 189.590 that such a report be made.

Committee Amendment to **HB 348** is as follows:

Amend printed copy of House Bill 348 on page 1, line 10, by: striking the words "*interested person*" and substituting therefor the words "*party to the accident or his legal representative.*"

Title Amendment to **HB 348** is as follows:

Amend printed copy of House Bill 348 on page 1, by: changing the title to read as follows:

AN ACT relating to the release of information that has been filed as proof of financial responsibility.

HB 389, AN ACT relating to railroad crossings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 277.170 of the Kentucky Revised Statutes is created to read:

Whenever, in the opinion of the Railroad Commission, the public interest requires that a gate be erected or maintained or a flagman stationed at any highway crossing [within one mile of the corporate limits of any city], the commission shall give the superintendent or manager of the railroad written notice that a gate or flagman is required. If a gate is required, the notice shall prescribe the time within which the gate shall be erected and the character of gate required, and shall designate the hours during which a man shall be kept in charge of the gate. If a flagman is required, the notice shall designate the hours during which he shall be kept at the crossing. The railroad company shall comply with the provisions of the notice. The Railroad Commission may authorize the discontinuance of the gate or flagman whenever, in its judgment, the public interest no longer requires it.

HB 488, AN ACT relating to motor vehicle operator's licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The Department of Public Safety shall report all denials, cancellations, suspensions, revocations or withdrawals of operators' licenses to the respective circuit court clerks of the counties in which the operator's most recent license was issued, stating the effective date of such denial, cancellation, suspension, revocation or withdrawal, the cause, and the duration of such action. Upon receipt of such reports the circuit court clerk shall cause a record of such action to be attached to the duplicate operator's license maintained as provided in KRS 186.495 and 186.490.

Section 2. Section 186.620 of the Kentucky Revised Statutes is amended to read as follows:

[(1)] No person shall authorize or knowingly permit a motor vehicle owned or controlled by him to be driven by any person who has no legal right to drive it or in violation of any of the provisions of KRS 186.400 to 186.640.

[(2) No person whose operator's license has been denied, cancelled, suspended or revoked, or whose privilege to operate a motor vehicle has been withdrawn, shall drive any motor vehicle upon the highways, while the license is denied, cancelled, suspended or revoked or his privilege to operate a motor vehicle is withdrawn.]

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person whose operator's license has been denied, cancelled or suspended or whose privilege to operate a motor vehicle has been withdrawn, except as provided by KRS 186.560, shall drive any motor vehicle upon the highways while the license is denied, cancelled, suspended or withdrawn. Any person who violates this subsection shall be fined, for the first offense, not less than ten dollars nor more than one hundred dollars and for each subsequent offense shall be fined not less than one

hundred dollars nor more than five hundred dollars, and imprisoned for not more than six months.

(2) No person whose operator's license has been denied or revoked as provided in KRS 186.560 shall drive any motor vehicle upon the highways while the license is denied or revoked. Any person who violates this subsection shall be fined, for the first offense, not less than fifty dollars nor more than five hundred dollars, and for each subsequent offense shall be fined not less than two hundred dollars nor more than five hundred dollars and imprisoned for not more than twelve months.

(3) In any prosecution for violation of subsection (1) or (2) of this section, if the defendant contends that his operator's license was not, at the time charged, denied, cancelled, suspended, revoked or withdrawn, he shall notify the Commonwealth in writing prior to trial that such defense will be made. If no such notification is given to the Commonwealth, a report upon forms to be prepared by the Department of Public Safety showing such denial, cancellation, suspension, revocation or withdrawal shall be deemed prima facie evidence of such fact.

The Committee on Public Utilities and Transportation reported **HB 240** and **HB 542** with the expression of opinion that the same should not pass.

The Committee on Appropriations and Revenue reported **HB 256,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 256, AN ACT relating to appropriations for Northern Kentucky State College and creating a specific appropriation to defer certain costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All appropriations made by the General Assembly for the support of Northern Kentucky State College, or for the benefit thereof, and all grants, gifts, bequests, or donations by an individual or corporation for specified use shall be applied to such use or uses and no other.

Section 2. The sum of two hundred thousand dollars is hereby appropriated from the General Expenditure Fund of the State Treasury to the Council on Public Higher Education to defer costs of site selection, planning and any other costs relating to the early stages of implementing the establishment of Northern Kentucky State College.

Committee Amendment to **HB 256** is as follows:

Amend printed copy of House Bill 256 on page 1, by: striking lines 6 through 11 in their entirety

Motions, Petitions, and Communications

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 226:**

The Senate has passed House Bill No. 226 by way of Committee Substitute, which is attached, and respectfully requests concurrence of this Honorable Body.

Agreed.

Representative Morgan moved that **HB 226** be placed upon its passage as amended.

On the roll call the vote was yeas 81—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 0.

HB 226 as amended was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate amendment to **HB 255:**

Amend printed copy of HB 255 on page 3, lines 1, 2, by:

Deleting the words "one" (Both places) and inserting in lieu thereof the words "two" on line one.

Delete "one until April 1, 1973, and one until April 1, 1974," from line 2. Insert period (.) after sentence.

Agreed.

Representative Morgan moved that **HB 255** be placed upon it passage as amended.

On the roll call the vote was yeas 77—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, DeMarcus, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Tobin, Vanover, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 255 as amended was passed and the title agreed to.

Representative Pettit asked that sponsors of **HB 384** be added as co-sponsors of the Committee Substitute to **HB 242.** Agreed.

The roll was called. All members present except Representatives Curlin, Keith and Melton.

Senate Message

Announcing passage of **SB 263, SB 36, SB 140, SB 146, SB 173, SB 178, SB 214** with Conference Committee Amendment, and **SR 43.**

Representative Blythe moved that **HB 230** be taken from the Clerk's Desk and placed upon its passage. Agreed.

On the roll call the vote was yeas 72—Allen, Baker, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Clapp,

Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Isler, James, Johnson, Jones, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 4—King, Prather, Rickert, Russell.

HB 230 was passed and the title agreed to.

Representative McGill moved that the vote by which **HB 88** was defeated be reconsidered.

On the roll call the vote was yeas 43—Allen, Baker, Ball, Blume, Bruce, Coffey, Cox, Walter F. Davis, Dawhare, Halleck, Hampton, Hardin, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Justice, Kidd, Louden, May, McBrayer, McGill, McKinney, McNamara, Mershon, Mitchell, Morgan, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Siemens, Simmons, Tobin, Walters, Wells. Nays 37—Arnett, Ballenger, Bamberger, Blandford, Blythe, Bowles, Clapp, Cruse, DeMarcus, Denham, Floyd, Greer, Harper, Hoe, Huff, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Maddox, McCallum, Melton, R. L. Miller, Murphy, Peace, Rattliff, Riddle, Russell, Schmidt, Smith, Vanover, Webster, Wesley, White, Wooley.

The motion that the vote by which **HB 88** was defeated be reconsidered was adopted.

On the roll call the vote was yeas 42—Allen, Ball, Bleemel, Blume, Brown, Bruce, Coffey, Cox, Walter F. Davis, Halleck, Hampton, Hardin, Hoffman, Holbrook, Hunt, Irick, Isler, James, Johnson, Justice, Kessinger, Kidd, Louden, May, McBrayer, McGill, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Siemens, Simmons, Tobin, Walters, Wright. Nays 30—Alexander, Arnett, Bamberger, Blandford, Clapp, Cruse, DeMarcus, Denham, Floyd, Greer, Harper, Henry, Hoe, Huff, Keith,

King, Lankford, Lassiter, Lawson, Maddox, R. L. Miller, Peace, Pettit, Rattliff, Russell, Sartin, Smith, Vanover, Webster, Wooley.

HB 88 was passed and the title agreed to.

Representative Blandford requested that he be recorded as voting "aye" on **HB 230. Agreed.**

Introduction of Bills and Resolutions

HR 87, by Representatives Irick, Wesley, Massey, Justice, Allen, J. Davis and Johnson: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the use of property and equipment by state government.

HB 580, by Representative Morgan: AN ACT relating to banks and combined banks and trust companies.

HB 581, by Representative Akers: AN ACT relating to property tax.

HB 582, by Representative R. L. Miller: AN ACT relating to medical examiners and post-mortem examinations.

HB 583, by Representative Blume: AN ACT relating to revenue and taxation.

HB 584, by Representative Murphy: AN ACT relating to social security.

HB 585, by Representative Hinkle: AN ACT relating to interstate agreement on qualification of educational personnel.

HB 586, by Representative Mitchell: AN ACT relating to the county judge expense allowance fund.

HB 587, by Representative Mitchell: AN ACT relating to Community Colleges.

HB 588, by Representative Johnson: AN ACT relating to thoroughbred racing.

HB 589, by Representative Russell: AN ACT relating to the Division of Archaeology in the Department of Parks.

HB 590, by Representative McGill: AN ACT relating to alcoholic beverages.

HB 591, by Representatives Harper, Kessinger and Bleemel: AN ACT relating to industrial building revenue bonds; amending Sections 103.220 and 103.230 of the Kentucky Revised Statutes, and declaring an emergency.

Orders of the Day

HB 315 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed its passage. Agreed by a majority of members elected.

Representative Wheeler moved the adoption of the following Amendment to **HB 315:**

Amend printed copy of House Bill 315 on page 2, line 25, by:

adding after the word "represents" the words "and one Commissioner representing the United States Government who shall be appointed by the President of the United States, or in such other manner as may be provided by the Congress"

and on page 3, line 7, by adding after the word "the" the words "commissioner representing the United States Government and"

and on page 3, line 21, by deleting the words "of each party state"

and on page 4, lines 4-8, by deleting lines 4 through 8 in their entirety

and on page 14, lines 3 and 4, by deleting the words "These five commissioners, acting jointly with like officers from the other party state," and inserting in lieu thereof the words "The Commissioners"

Agreed.

On the roll call the vote was yeas 86—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum,

McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 315 as amended was passed and the title agreed to.

Representative Wheeler moved that the vote by which **HB 315** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HR 33, HB 1, HB 170** and **HB 129** be deferred and that they retain their positions in Orders of the Day. Agreed.

HB 218 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 0.

HB 218 was passed and the title agreed to.

Representative Rickert moved that the vote by which **HB 218** was passed be reconsidered and said motion be laid on the table. Agreed.

HB 227 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that

it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hunt moved the adoption of the following Amendment No. 1 to **HB 227:**

Amend printed copy of House Bill 227 on pages 1 and 2, by:

deleting lines 1 through 12 on page 1 and lines 1 through 20 on page 2 in their entirety

and on page 2, beginning of line 21 by amending "Section 3" to read "Section 1"

and on page 3, beginnnig of line 9 by amending "Section 4" to read "Section 2"

Agreed.

Representative Hunt moved the adoption of the following Amendment No. 2 to **HB 227:**

Amend printed copy of House Bill 227 on page 2, line 28, by:

inserting after the words "Legislative Audit Committee" the words "and the Auditor of Public Accountants."

and on page 3, line 6, by inserting after the words "Legislative Audit Committee" the words "and the Auditor of Public Accounts"

Agreed.

Representative Hunt moved the adoption of the following Amendment No. 3 to **HB 227:**

"And printed copy of House Bill 227 on page 3, line 1, by:

inserting before the word "shall" the words "and the Auditor of Public Accounts"

Agreed.

On the roll call the vote was yeas 87—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds,

W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 1—Huff.

HB 227 as amended was passed and the title agreed to.

Representative Hunt moved the adoption of the following Title Amendment ot **HB 227:**

Amend printed copy of House Bill 227 on page 1, line 0, by: amending the title to read:
"AN ACT relating to the audits of public accounts."

HB 227 as amended was passed and the title agreed to.

Representative Hunt moved that the vote by which **HB 227** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

HB 229 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved the adoption of the following Amendment to **HB 229:**

Amend printed copy of House Bill 229 on page 3, line 0, by: by inserting after line 26 the following:
"(d) Work performed by public utilities or their corporate affiliates, when said work pertains to the services furnished by said utilities."

Representative Jones moved that **HB 229** be laid on the table.

On the roll call the vote was yeas 33—Alexander, Arnett, Blandford, Bleemel, Brown, Clapp, Walter F. Davis, Dawhare, Halleck, Hardin, Hinkle, Hopkins, Huff, Irick, Isler, James, Jones, Justice, Keene, Kessinger, King, Louden, Maddox, Peace, W. J. Reynolds, Richey, Rickert, Sartin, Simmons, Tobin, Walters, Webster, Wesley. Nays 28—Baker, Ball, Ballenger, Bamberger, Blume, Blythe, Clark, Cox, Cruse, Greer, Harper, Hoe, Kidd, Lankford, Lawson, McGill, Melton, R. L. Miller, Murphy, Pettit, Ray, Russell, Saylor, Schmidt, Stuart, Vanover, Wheeler, White.

HB 229 was tabled.

HB 410 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 1—Henry.

HB 410 was passed and the title agreed to.

HB 243, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Greer moved the adoption of the Committee Substitute to **HB 243.** Agreed.

Representative Clapp moved that **HB 243** be laid on the table.

On the roll call the vote was yeas 22—Alexander, Blandford, Bleemel, Bruce, Clapp, Walter F. Davis, Floyd, Hampton, Jones, Kessinger, Kidd, Lankford, Lassiter, Maddox, Melton, W. J. Reynolds, Richey, Riddle, Sartin, Simmons, Walters, Webster. Nays 39—Allen, Baker, Ball, Ballenger, Brown, Cox, Cruse, J. A. Davis, Dawhare, DeMarcus, Greer, Halleck, Harper, Hoe, Hoffman, Hunt, Isler, King, May, McGill, Mershon, R. L. Miller, Murphy, Peace, Pettit, Prather, Ray, Rickert, Russell, Saylor, Schmidt, Stuart, Tobin, Vanover, Wesley, Wheeler, Wolchik, Wooley, Wright.

The motion that **HB 243** be tabled was rejected.

On the roll call the vote was yeas 47—Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Brown, Cox, Cruse, James A. Davis, Denham, Greer, Halleck, Hardin, Harper, Hinkle, Hoe, Hoffman, Hunt, Irick, Isler, Johnson, Jones, King, Maddox, Massey, May, McGill, Mershon, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Ray, Russell, Saylor, Siemens, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, Wooley, Wright. Nays 22—Alexander, Blandford, Clapp, Clark, W. F. Davis, Floyd, Henry, Huff, Kessinger, Lankford, Lassiter, McKinney, Melton, Peace, W. J. Reynolds, Richey, Riddle, Sartin, Simmons, Smith, Walters, White.

HB 243 as amended was passed and the title agreed to.

Representative Greer moved that the vote by which **HB 243** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

HB 350 taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved the adoption of the following Amendment to **HB 350:**

Amend printed copy of House Bill 350 on page 2, line 12, by:

deleting the word *"an"* and by removing the brackets around the letter "s" and by deleting the word *"a"*

and on page 2, line 13, by deleting the word *"a"* and by removing the brackets around the letter "s" and by removing the brackets around the word "their"

and on page 2, line 14, by deleting the word *"his"*.

Agreed.

On the roll call the vote was yeas 65—Alexander, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Clapp, Clark, Cox, Cruse, Dawhare, Floyd, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hunt, Irick, Isler, Johnson, Jones, Justice, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan,

Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wooley, Wright. Nays 8—Coffey, DeMarcus, Denham, Huff, Melton, Richey, Smith, Walters.

HB 350 as amended was passed and the title agreed to.

Representative Siemens moved that the vote by which **HB 350** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

HB 259 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of the Committee Amendment to **HB 259.** Agreed.

On the roll call the vote was yeas 70—Alexander, Baker, Ballenger, Bamberger, Blandford, Blume, Bowles, Brown, Bruce, Clark, Cox, Cruse, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wells, Wesley. Nays 0.

HB 259 as amended was passed and the title agreed to.

Representative King moved that the vote by which **HB 259** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

HB 269 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Alexander, Allen, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bowles,

Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 0.

HB 269 was passed and the title agreed to.

Representative Hoffman moved that the vote by which **HB 269** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **SB 79** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 460 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 54—Alexander, Allen, Baker, Ballenger, Bamberger, Blandford, Blythe, Bowles, Bruce, Clapp, Cox, Cruse, DeMarcus, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Isler, Keene, Keith, King, Lankford, Lawson, Louden, McBrayer, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Schmidt, Simmons, Stuart, Vanover, Walters, Webster, Wesley, White. Nays 4—Arnett, Greer, Huff, Sartin.

HB 460 was passed and the title agreed to.

Representative McBrayer moved that the vote by which **HB 460** was passed be reconsidered and said motion be laid on the table. Rejected.

HB 494 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83—Alexander, Allen, Arnett, Baker, Ballenger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 0.

HB 494 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 494** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 471, HB 334** and **HB 395** be deferred and that they retain their positions in Orders of the Day. Agreed.

HB 477 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Walters moved the adoption of the Committee Amendment to **HB 477.** Agreed.

On the roll call the vote was yeas 80—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd,

King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 477 as amended was passed and the title agreed to.

Representative Walters moved that the vote by which **HB 477** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

HB 147 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Cox, Cruse, James A. Davis, Dawhare, Denham, Floyd, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, London, May, McBrayer, McCallum, McGill, McKinney, NcNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 147 was passed and the title agreed to.

Representative Pettit moved that the vote by which **HB 147** was passed be reconsidered and said motion be laid on the table. Agreed.

HB 48, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Louden moved the adoption of the Committee Substitute to **HB 48.** Agreed.

Representative Denham moved that **HB 48** as amended be recommitted to the Committee on Labor and Industry.

On the roll call the vote was yeas 37—Ball, Ballenger, Bamberger, Blandford, Blythe, Cox, Cruse, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Huff, Hunt, Jones, Lankford, Lassiter, Massey, McCallum, McNamara, Robert L. Miller, Pettit, W. J. Reynolds, Sartin, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, Wolchik. Nays 40—Alexander, Baker, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, Hoffman, Hopkins, Isler, James, Johnson, Kessinger, Kidd, King, Lawson, Louden, Maddox, May, McBrayer, McGill, Mershon, C. R. Miller, Mitchell, Morgan, Murphy, Ray, R. Reynolds, Richey, Riddle, Russell, Siemens, Simmons, Smith, Vanover, Walters, White, Wright.

The motion that **HB 48** be recommitted to the Commitee on Labor and Industry was rejected.

Representative R. Miller moved that **HB 48** as amended be laid on the table.

On the roll call the vote was yeas 43—Ball, Ballenger, Bamberger, Blandford, Blythe, Carroll, Cox, Cruse, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hunt, Irick, Jones, Justice, Lankford, Lassiter, Massey, McCallum, McNamara, Melton, Robert L. Miller, Peace, Pettit, Prather, W. J. Reynolds, Rickert, Sartin, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, Wolchik. Nays 41—Alexander, Baker, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, J. A. Davis, DeMarcus, Henry, Hopkins, Isler, James, Keene, Kessinger, Kidd, King, Lawson, Louden, Maddox, May, McBrayer, McGill, Mershon, C. R. Miller, Morgan, Murphy, Ray, R. Reynolds, Richey, Riddle, Russell, Siemens, Simmons, Smith, Vanover, Walters, White, Wright.

HB 48 as amended was tabled.

Representative R. Miller moved that the vote by which **HB 48** as amended was tabled be reconsidered and said motion be laid on the table.

On the roll call the vote was yeas 38—Allen, Blandford, Blythe, Cox, Cruse, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hoe, Holbrook, Hunt, Johnson, Jones, Justice, Lankford, Lassiter, Massey, McNamara, Melton, Robert L. Miller, Peace, Pettit, Prather, W. J. Reynolds, Rickert, Sartin, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, Wolchik. Nays 39—Alexander, Baker, Ball, Bleemel, Blume, Bowles, Brown, Bruce, Clark, Coffey, DeMarcus, Hopkins, Huff, Isler, James, Kessinger, Kidd, King, Lawson, Louden, Maddox, May, Mershon, C. R. Miller, Morgan, Murphy, Rattliff, Ray, R. Reynolds, Richey, Riddle, Russell, Siemens, Simmons, Smith, Vanover, Walters, White, Wright.

The motion that the vote by which **HB 48** as amended was tabled be reconsidered and said motion be laid on the table was rejected.

Representative Morgan moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions

HB 592, by Representatives Wheeler and Hinkle: AN ACT relating to the distribution of the public school foundation program fund.

HB 593, by Representative Siemens: AN ACT relating to education.

HB 594, by Representatives Hardin, Bruce, Carroll, McBrayer, Hopkins, Ray, McGill, Pettit, W. J. Reynolds, Rickert, Brown, Massey, Hampton, Mershon, Tobin, Isler, Arnett, Mitchell, Webster, Clapp, Blandford, Blume, Hunt, Morgan, Hinkle, McNamara, Cox, May, Hoffman and Justice. AN ACT relating to appropriations for the operation and maintenance of the Division of State Police, Department of Public Safety.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 590.**

Appropriations and Revenue: **HB 581, HB 583, SB 140, SB 263.**

Banking: **HB 580.**

Business Organizations and Professions: **HB 588, SB 36.**

Counties and Special Districts: **HB 586.**

Education: **HB 584, HB 592, HB 593, SR 43, HB 585, HB 587.**

Elections and Constitutional Amendments: **SB 146, SB 173.**

Health and Welfare: **HB 582, SB 178.**

Public Utilities and Transportation: **HB 578.**

State Government: **HB 579, HB 591, HB 594, HR 87, HB 589.**

Representative Morgan moved that the House adjourn until 1:00 p.m., Tuesday, March 5, 1968.

On the roll call the vote was yeas 9—Bamberger, Hopkins, Keene, Lawson, McCallum, Morgan, Rickert, Schmidt, Tobin. Nays 1—Blythe.

The motion to adjourn was adopted.

TUESDAY, MARCH 5, 1968

FIFTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by Msgr. Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

The roll was called. All Representatives present.

Representative McNamara moved that the reading of the Journal of March 4, 1968, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 88, by Representatives Rattliff, Keith, Rickert, Schmidt, Baker, Bowles, Coffey, Floyd, Simmons, Huff, Sartin and Prather: A RESOLUTION requesting the planning and construction of the Lincoln-Cumberland Parkway between Brandenburg in Meade County and to Somerset in Pulaski County.

HB 595, by Representative Hopkins: AN ACT relating to rivers, their tributaries and valleys.

HB 596, by Representative Wright: AN ACT relating to city and suburban bus and taxicab companies.

HB 597, by Representative Arnett: AN ACT relating to licensing of practical nurses.

Senate Message

Announcing passage of **HB 209, HB 233, SB 2, SB 24, SB 64, SB 116, SB 167, SB 170, SB 201, SB 202, SB 205, SB 209, SB 246, SB 248, SB 250, SB 253, SB 282, SB 289, SB 291, SB 292, SB 297, SB 311, SB 312** and **SB 331.**

Report of Committees

The Committee on Labor and Industry reported **SB 70** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 70, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.020 is amended to read:

(1) In addition to all other compensation provided in this chapter, the employer shall *pay* [furnish] for the cure and relief from the effects of an injury or occupational disease, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, or as may be required for the cure and treatment of an occupational disease, but not exceeding a total expense to the employer of thirty-five hundred dollars. *The employe may select the physician to treat his injury, and the hospital in which he shall be treated.* [If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employe in providing such treatments. In an emergency, the employe may call in any available physician or surgeon to administer any first aid reasonably necessary, at the expense of the employer within the limits of this section.] The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) However, further medical, surgical and hospital treatment may be ordered by the Board, *to be paid for by the employer,* upon application and sufficient showing of justifiable need therefor.

(3) When a compensable injury or occupational disease results in the amputation of an arm, leg or foot, or the loss of hearing, or the enucleation of an eye or loss of teeth, the employer shall initially *pay* for [furnish] in addition to the other medical, surgical and hospital treatment enumerated in subsection (1) and (2) of this section, a modern artificial member and where required, proper braces.

(4) *Upon motion of the employer, with sufficient notice*

to the employe for a response to be filed, if it is shown to the satisfaction of the board by affidavits or testimony that because of the physician selected by the employe to treat his injury or disease, or because of the hospital selected by the employe in which he is being treated, that the employe is not receiving proper medical treatment and his recovery is being substantially affected or delayed; or that the funds for his medical expenses are being spent without reasonable benefit to the employe; or that because of the physician selected by the employe or because of the type of medical treatment being received by the employe that the employer will substantially be prejudiced in any compensation proceedings resulting from the employe's injury or disease; then the board may allow the employer to select a physisian to treat the employe and the hospital or hospitals in which the employe is treated for his injury or disease. No action shall be brought against any employer subject to this chapter by any person to recover damages for malpractice or improper treatment received by any employe from any physician, hospital or attendant thereof.

Section 2. KRS 342.025 is amended to read:

(1) In all claims for hernia resulting from injury received in the course of and resulting from the employe's employment it must be definitely proved to the satisfaction of the board that:

(a) There was an injury resulting in hernia;

(b) The hernia appeared suddenly and immediately following the injury; and

(c) The hernia did not exist in any degree, including the primary or incomplete stage, prior to the injury for which compensation is claimed.

(2) In all such cases where liability for compensation exists, the employer shall, within the limits of KRS 342.020, *pay for* [provide] competent surgical treatment by radical operation. In case the injured employe refuses to submit to the operation, the employer may require a medical examination as provided in KRS 342.205.

(3) If it is shown by such examination that the employe has any chronic disease or is otherwise in such physical condi-

tion so as to render it more than ordinarily unsafe to submit to such operation, he shall, if unwilling to submit to the operation, be entitled to compensation for disability under the general provisions of this chapter. If the examination does not disclose the existence of disease or other physical condition rendering the operation more than ordinarily unsafe, and the employe, with the knowledge of the result of such examination, thereafter refuses to submit to such operation, he shall be entitled to compensation for disability under the general provisions of this chapter not exceeding one year. If the employe submits to the operation he shall, in addition to the surgical benefits herein provided for, be entitled to compensation for his actual disability following such operation. If the hernia results in death within one year after it is sustained, or the operation results in death, such death shall be deemed a result of the injury causing such hernia and compensated accordingly under the provisions of this chapter. This subsection shall not apply where the employe has refused to submit to an operation which has been found by the examination herein provided for not to be more than ordinarily unsafe.

Section 3. KRS 342.105 is amended to read:

Except as stated in subsection (22), [For] injuries or disabilities from an occupational disease enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding twenty weeks a weekly compensation equal to sixty-six and two-thirds percent of his average weekly earnings subject to the limitation in subsection (5) of KRS 342.070 for the periods stated herein:

(1) For the loss of a thumb, sixty weeks.

(2) For the loss of a first finger, commonly called the index finger, forty-five weeks.

(3) For the loss of a second finger, thirty weeks.

(4) For the loss of a third finger, twenty weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, fifteen weeks.

(6) For loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb, the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalange of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or finger above, add ten weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes the fingers useless, the same number of weeks apply to such finger or fingers (including thumb) as given above.

(12) For the loss of a hand, one hundred-fifty weeks.

(13) For the loss of an arm, two hundred weeks.

(14) For the loss of one of the toes, other than the great toe, ten weeks.

(15) For the loss of the great toe, thirty weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, one hundred twenty-five weeks.

(19) For the loss of a leg, two hundred weeks.

(20) For the total and permanent loss of the sight of an eye, one hundred weeks, plus an additional twenty weeks in cases where the eyeball is enucleated.

(21) For the total and permanent loss of hearing in one ear, seventy-five weeks.

(22) *If the effects of any of the injuries, or disabilities, from occupational diseases, or losses, mentioned in this section adversely affect a workman's ability to labor, or limits his occupational opportunities to obtain the kind of work he is customarily able to do; his compensation benefits shall not be limited to the amounts provided by this section, and he shall be awarded compensation benefits under some other applicable or appropriate section of this chapter which would provide more compensation benefits for his disability.*

Section 4. KRS 342.121 is amended to read:

(1) If on a claim for compensation for disability resulting from a subsequent injury by accident or occupational disease any medical question shall be in controversy, or a determination thereof necessary to the proper apportionment of liability therefor, the board shall refer the case to a physician appointed by it for the purpose of investigating and reporting to the board on the medical question involved. The physician shall make his report to the Workmen's Compensation Board in writing with respect to all medical questions at issue or necessary to the apportionment of disability between the subsequent injury and in the prior existing disability at the time of employment. The report shall show the date of prior disablement or latent, nondisabling disease, which, if in dispute, shall be deemed a medical question.

(2) The physician appointed as provided in subsection (1) of this section shall be allowed necessary traveling expenses and reasonable fees, to be fixed by the board to each physician for making such examination and report, plus a reasonable allowance for expenses incurred in making such examination. The board may also allow traveling expenses to the employe. Such fees and expenses so approved by the board shall be paid out of the Special Fund,

(3) The physician shall, as soon as practicable after he has completed his consideration of the case, but not later than fifteen days after the examination of the employe, report in writing his findings on every medical question in controversy. The physician shall also include in his report a statement indicating the physician or physicians, if any, who appeared before him, and what, if any medical reports and X-rays were considered by him.

(4) *The board may consider the report of the physician along with the other evidence in the case in arriving at its decision or award, and any party in interest may take the deposition of the physician to be used as evidence in the case.*

[(4) The decision or award in the case shall conform to the findings and conclusions in such report insofar as restricted to medical questions; provided, however, that any such findings and conclusions may be set aside, reversed or modified, by the board's award or decision, in case an application for review is made to the board within ten days after the report is filed with the board and the interested parties notified, subject, however, to the following special provisions; no such findings of the physician shall be subject to review unless specific objections thereto shall be filed with the board by a party in interest within the time limited in which to apply for review of such report.]

(5) The provisions of this section shall apply only to persons mentioned in KRS 342.120.

Section 6. KRS 342.030 is hereby repealed.

The Committee on Health and Welfare reported **HR 86, HB 308, HB 310, HB 354, HB 533,** and **HB 452** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 86, A JOINT RESOLUTION authorizing the Legislative Research Commission to conduct a comprehensive study of the functions of the State Board of Health and to report its findings and recommendations to the 1970 General Assembly.

WHEREAS, House Bill 323 would place a registered nurse on the State Board of Health, and

WHEREAS, House Bill 352 would place a registered engineer on the State Board of Health, and

WHEREAS, House Bill 406 would remove from the State Board of Health its present regulatory powers over physicians, and

WHEREAS, the State Board of Health appoints the Commissioner of Health and thereafter advises him in the administration of the Department of Health and is therefore an important administration body the composition of which ought not to be altered without careful study and for good cause shown;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be and it is authorized and directed to make a thorough investigation and careful study of the functions and composition of the State Board of Health and its proper place in the state government, which study shall include a public hearing at which all interested parties may have an opportunity to express their views, and to report its findings and recommendations to the 1970 General Assembly.

HB 308, AN ACT relating to the care, maintenance and support of children disposed of by action of juvenile courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 208.280 of the Kentucky Revised Statutes is amended to read as follows:

If it appears that the parent of any child *or the estate of any child,* who has been found to fall within the purview of this chapter and who has been left in his own home or in the home of a relative, placed on probation or placed in a foster home or boarding home, or in the care of a public or private institution or agency, or the department, is able to contribute to the support of the child, the court shall enter an order requiring the parent *or estate* to pay a reasonable sum from time to time for the sup-

port, maintenance or education of the child. The order shall direct that the money be paid to the county clerk to be disbursed as ordered by the court or be paid to the person, institution, agency or department to which the child was committed or probated. On application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may require the parents to give security for payment of the sums due, and shall have the powers of a court of equity in enforcing its orders. The enforcement of a sentence imposed on a parent who fails to comply with the order of the court may be suspended at the discretion of the court, but the suspension may be revoked at the discretion of the court upon the failure of the parent to obey further orders of the court.

HB 310, AN ACT relating to the suitability of homes for children receiving aid to families with dependent children payments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.420 of the Kentucky Revised Statutes is amended to read as follows:

The department, *or the Department of Child Welfare,* shall evaluate the suitability of the home in which the dependent child lives at the time of the initial determination and thereafter when needed. In evaluating the home, consideration should be given but not limited to the following:

(1) Evaluating the suitability of a home in terms of the past and present moral environment, physical care and supervision provided in the home, the social, educational and religious opportunities provided for the child, and the use of income or public assistance grant toward the needs of the child;

(2) Making a decision relative to whether the desirable factors outweigh the undesirable factors, and the apparent capacity and desire of the person with whom the needy child lives to improve the home.

Section 2. Section 205.430 of the Kentucky Revised Statutes is amended to read as follows:

If the home *is* [in] unsuitable according to the evaluation made under KRS 205.420 but there is reason to believe that elimination of the undesirable conditions can be effected, the department, *or the Department of Child Welfare,* will take the following action:

(1) Give intensive case work service to improve the undesirable conditions in the home.

(2) When intensive efforts over a reasonable period have failed to improve the home conditions, the department, *or the Department of Child Welfare,* shall determine if any other relative or person specified by the Social Security Act is maintaining a suitable home and is willing to take custody and care for the child in their home. Upon an affirmative finding, the department, *or the Department of Child Welfare,* shall, if the parents or relative with whom the child is living consent, assist the parent or relative in effecting the placement.

(3) If there are no suitable relatives or other specified persons available for the care of the child in their home, or if the relative with whom the child lives refuses to agree to either improving the home condition or to permit the voluntary removal of the child from the home, the department, *or the Department of Child Welfare,* shall file a petition for court action with the appropriate county court. The department, *or the Department of Child Welfare,* shall give in writing the reason for the petition and request a determination from the court within a thirty day period.

Section 3. Section 205.440 of the Kentucky Revised Statutes is amended to read as follows:

When a petition has been filed in the court with evidence of an unsuitable home, the judge shall hold a hearing and shall by order:

(1) Request additional evidence from the department or any other agency interested in the welfare of children and on the basis of such evidence remove the child from the home or dismiss the petition; or

(2) Commit the child to the Department of Child Welfare as provided in KRS *208.200* [200.110]; or

(3) Appoint a special committee, notwithstanding KRS 387.281, to supervise the expenditure of public assistance funds if this is a particular family problem in the unsuitable home situation.

HB 354, AN ACT relating to the regulation of the cleaning and servicing of septic tanks, seepage pits and cesspools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of the Department of Health;

(2) "K.D.H." means Kentucky Department of Health;

(3) "Tank" means any container when placed on a vehicle to carry in transport wastes removed from a septic tank, cesspool or seepage pit;

(4) "Septic Tank" means a septic toilet, chemical closet and any other water-tight enclosure used for storage and decomposition of human excrement and domestic wastes;

(5) "Seepage pit" means a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank;

(6) "Cesspool" means a cavity in the ground which receives human excrement and domestic wastes to be partially absorbed directly by the surrounding soil;

(7) "Servicing" and "maintaining" means cleaning and removing wastes from the septic tank, seepage pit or cesspool, and recovering the same as before being exposed for cleaning;

(8) "Person" means any individual, partnership, broker, firm, association or corporation;

(9) "Resident" means any person who has actually resided in the Commonwealth of Kentucky for the twelve consecutive months immediately preceding date of application for license. Ownership of property in the state is not qualification for residency.

Section 2. No person shall engage in or offer to engage in or carry on the business of servicing or maintaining septic tanks, seepage pits or cesspools within the Commonwealth of Kentucky unless duly licensed and bonded as hereinafter provided.

Section 3. Each person engaged in such business for the purposes aforesaid shall file an application directly with the commissioner, or through his authorized representatives in city, county or district health departments, to be forwarded to the commissioner with such information as he may require. The application shall state the nature of the business, the post office address of the applicant, and the post office address at or from which the business it to be continued. If the applicant shall operate a branch or other places of business, the application shall so state.

The application shall state any additional information as the commissioner may require. The application to engage in the business as herein defined shall be accompanied by a license fee of twenty-five dollars, payable to the Department of Health. If the commissioner, after such investigation as he deems necessary, is satisfied that the applicant has the qualifications, experience, reputation and equipment to perform the services in a satisfactory manner and not detrimental to public health, he shall issue or cause to be issued a license for the said business. The application for such license shall be made to the commissioner prior to March 1 of each year, and shall be accompanied by a surety bond tendered by a company registered in the Commonwealth of Kentucky, to indemnify persons for whom service and maintenance work is performed, if faulty; or with such sureties, form and sufficiency as shall be approved by the commissioner. Such bonds shall be in the amount of one thousand dollars for residents of the State of Kentucky and five thousand dollars for non-residents. The commissioner shall be the obligee, and the bond

shall be for the benefit and purpose to protect all persons damaged by faulty workmanship in the servicing or maintaining of septic tanks, cesspools or seepage pits, and shall guarantee the appearance of the licensee to answer any summons within 30 days of notice to the bonding company of the issuance of such summons. Such bonds shall be conditioned upon the performance of the services in workmanlike and hygienic manner.

Section 4. All trucks or other vehicles used to transport or carry wastes from septic tanks, cesspools or seepage pits shall carry a license by the commissioner for inspection by his representative or any law enforcement agent. The application for such vehicle license shall be made prior to March 1 of each year, and shall state the make, model and year of such vehicle, as well as the capacity of the tank used in the removal of said waste from septic tanks, cesspools and seepage pits, and also such other information as the commissioner shall require. Each application shall be accompanied by a license fee of ten dollars for each vehicle sought to be licensed, payable to the Treasurer of the Commonwealth of Kentucky. If the commissioner, after such investigation as he deems necessary, is satisfied that such truck or vehicle and equipment is proper and hygienic for said purpose, he shall issue or cause to be issued a license for the use of said vehicle for said purpose. Applications and fees for vehicles licensed under this act may be received by authorized representatives of the commissioner in city, county or district health departments, and the same forwarded to the commissioner with such information as he may require. This license is not transferable from one vehicle to another, and all licenses shall expire on the last day of February of each year. In addition to the vehicle license, which shall be carried on the vehicle at all times, there shall be painted on both sides of said vehicle in letters not less than two inches high the words "K.D.H. licensed vehicle", and said words shall be followed with vehicle license number.

Section 5. (1) The tank shall be kept tightly closed in transit to prevent the escape of contents or odors, and the outside of all vehicles and accessory equipment shall be kept clean.

(2) Waste from any septic tank, seepage pit or cesspool

may be dumped into municipal sewage treatment systems where available, but shall be subject to the requirements of said municipality.

(3) In the absence of such municipal disposal facilities, wastes may be buried on private property in locations over two hundred yards from any residence, public or private place of business, public gathering place or public thoroughfare, subject to written approval of the property owner. Said written approval must be preserved and carried on the vehicle for inspection: all such wastes must be so disposed of, as to create no public nuisance or health hazard. Burial may be required by the local health agency having jurisdiction.

(4) Waste removed from septic tanks, seepage pits or cesspools may be buried on the property from which it originates at least seventy-five feet from any water supply and twenty-five feet from any body of water, provided it is covered with at least twelve inches of earth and protected until settled.

(5) Under no conditions shall dumping be permitted into or adjacent to any public or private lake, pond, stream, river or any other body of water, nor shall any vehicle be permitted to pump directly from such body of water into said vehicle for flushing and cleaning the tank or other equipment on the vehicle.

(6) All services shall be conducted in a workmanlike manner and the property served left in a sanitary condition.

(7) After such services are rendered, the licensee or his service representative shall furnish the customer with a signed receipt upon payment in full for services, which receipt carries the business name and address, name of the owner of the business and K.D.H. vehicle license number as required under Section 4 of this act.

Section 6. Nothing in this act shall be construed to require a business license for:

(1) A property owner to clean his own septic tank, seepage pit or cesspool.

(2) A municipality servicing and maintaining a public sewage treatment facility.

(3) A plumber, duly qualified and licensed under the laws of the State of Kentucky, except that vehicles which are used as defined in this act shall be licensed as provided.

Section 7. All money paid to the State Treasurer for licenses and fees required by this act shall be for the sole use of the department and shall be in addition to any monies appropriated by the General Assembly for the use of the department.

Section 8. Any person who shall violate or refuse to comply with any of the provisions of this act shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars and when such violation is of a continuing nature, each day upon which a violation occurs shall be deemed a separate offense.

HB 533, AN ACT relating to the hospitalization of mentally ill and mentally retarded persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 202.010 is amended to read:

As used in this chapter unless the context otherwise requires:

(1) "Mentally ill person" means a person having a psychiatric or other disease which substantially impairs his mental health;

(2) "Mentally *retarded* [*defective*] *person*" means a person with a defect in *general intellectual function originating during the developmental period, and which impairs adaptive behavior to such a degree that he* [mental development at birth, or at an early age, and which is of such a degree that he is incapable of caring for himself or mangaing his affairs and] requires supervision, care, training, control or custody for his own welfare or for the welfare of others;

(3) "Defendant" means a person alleged in *a hearing* [an inquest] to be mentally ill or mentally defective;

(4) "Patient" means a person under observation, care or

treatment in a hospital pursuant to the provisions of this chapter or KRS Chapter 203;

(5) "Physician" means a person licensed under the laws of Kentucky to practice medicine, or a medical officer of the Government of the United States while in this state on the performance of his official duties;

(6) "Hospital" means a *state mental hospital, or institution, or other* public or private hospital, [or] institution, *medical facility,* or part thereof, *approved by the Department of Mental Health as* equipped to provide in-patient care and treatment for mentally ill or mentally *retarded* [defective] persons; *and which is a part of, or has affiliated agreements with, the Department of Mental Health for the care of such persons;*

(7) "State mental hospital" means a [mental] hospital or institution, or part thereof *operated by the Department of Mental Health* [, which receives fifty percent or more of its support from state funds];

(8) "Department" means the Department of Mental Health;

(9) "Commissioner" means the Commissioner of Mental Health;

(10) "Authorized staff physician" means a physician as defined in subsection (4) of Section 1 of this Act who is a bona fide member of a hospital's medical staff as set forth in the by-laws of the institution, or the clinical director of an institution as defined in subsection (5) of Section 1 of this Act which provides care for the mentally retarded;

(11) "Health officer" means any person charged with enforcing the health laws of the state or any political subdivision thereof;

(12) "Residence" means legal residence as determined by applicable principles governing conflicts of laws.

Section 2. A new section of KRS is created to read:

Any person alleged to be mentally ill or mentally retarded may be voluntarily or involuntarily hospitalized in accordance with the provisions of this Act.

Section 3. KRS 203.020 is amended to read:

(1) *Authorized staff physicians of a hospital* [The staff of a state mental hospital or of an institution for mentally defective persons] may admit for *observation,* diagnosis, care and treatment any person who is mentally ill or has symptoms of mental illness, *and* [or] who *being eighteen* [is mentally retarded or has symptoms of mental retardation, and who, being twenty-one] years of age or over, applies *voluntarily* therefor, and any person under *eighteen* [twenty-one] years of age who is mentally ill or has symptoms of mental illness, [or mental retardation,] if his parent or guardian applies therefor in his behalf. The application shall be signed by the applicant in the presence of two witnesses.

(2) *An authorized* [The] staff *physician* of a [state mental] hospital may discharge any voluntary patient who has recovered or whose hospitalization *he* [they] determines to be no longer advisable. *He* [they] may also discharge any voluntary patient if to do so would, in *the* [their] judgment *of the physician,* contribute to be most effective use of the hospital in the care and treatment of the mentally ill or mentally *retarded* [defective].

(3) A voluntary patient who requests his release or whose release is requested, in writing, by his guardian, parent, spouse or adult relative shall be released *immediately* [within five days from the receipt of such request,] except [as hereinafter provided in this section.] if the patient was admitted on his own application and the request for release is made by a person other than the patient, release shall be conditioned upon the agreement of the patient thereto. If the patient, by erason of his age, was admitted on application of his parent or guardian, *or another person* his release, prior to attaining the age of *eighteen* [twenty-one] years, *may* [shall] be conditioned upon the consent of such parent or guardian.

(4) If *two authorized staff physicians of* the hospital *to which the patient is voluntarily admitted* [staff] believes [s] that the patient *probably* [is] *will cause injury* [dangerous] to himself or to others if *not restrained immediately and that the individual lacks capacity or insight to continue his own*

hospitalization [or would be benefited by further care and treatment in a hospital, it may, within five days after the receipt of the request for release, file in the proper court a certificate signed by two staff physicians stating that the patient is mentally ill or mentally defective and recommending his commitment. The court shall follow the procedure it usually follows when such a certificate is filed. After such a certificate is filed,] the hospital may continue to hold the patient *for a period not to exceed forty-eight hours from the receipt of a request for release if the hospital invokes the provisions of Section 4 of this Act pending a judgment or order of the appropriate court.* [beyond the expiration of the five-day period referred to in this section until notified by the court that the hearing has been held and the person has been found to be mentally well.]

Section 4. KRS 203.025 is amended to read:

(1) If a person in need of immediate treatment and care because of mental illness or mental retardation *is present, at, or* is presented at, a [state] hospital [for the mentally ill or mentally retarded] without the papers required for *hospitalization* [admittance] under a procedure included in *this Act* [KRS Chapters 202, 203, or 210,] *two authorized staff physicians of* the hospital may *order admission or continued hospitalization of the individual pending a hearing as provided by the involuntary hospitalization procedures of this Act. The physicians shall at the time of such admission or change from voluntary status, initiate without delay an application for an emergency hospitalization order, or other involuntary hospitalization as provided by this Act.* [admit him for inpatient treatment and care for a period not exceeding forty-eight hours (excluding weekends and legal holidays) provided that at the time of admission a hospital staff physician or staff clinical psychologist certifies in writing that, as of that time.

(a) the physician or psychologist is of the opinion that the person lacks the insight or capacity to apply for his own admission under KRS 203.020 and

(b) the physician or psychologist is of the opinion that the person is in need of immediate treatment and care because of mental illness or mental retardation.]

(2) *Any individual* [A patient] who has been admitted to a hospital under subsection (1) *shall* [must] be released from the hospital at the end of the forty-eight hour period, *(excluding weekends and legal holidays) unless the required procedures have been filed, in which case the individual may be retained until the proceeding is terminated by a judgment or order of the appropriate court.* [or sooner if he so requests, unless before that time

(a) the hospital receives the papers required under a procedure included in KRS 203.020, in which case the provisions applicable under that procedure shall apply, or

(b) a hospital staff member files a petition in the appropriate court requesting that the patient be ordered to accept treatment and care, in which case he may be retained by the hospital until the proceeding is terminated by a judgment or order that requires his discharge.]

(3) The authorized staff physicians admitting or retaining the individual for involuntary hospitalization under the provisions of subsection (1) must certify in the record of the individual that in their opinion (a) the individual probably will cause injury to himself or others if not restrained, and (b) that the individual lacks insight or capacity to apply for or continue his own hospitalization.

(4) Any person may be admitted to a state mental hospital upon the written application of a relative, spouse, friend or guardian, or by a staff physician of a hospital in which the person may be, and upon the certification of two physicians that they have examined the person and are of the opinion that he is mentally ill; that because of his illness he is in need of care and treatment in a mental hospital, and because of his illness lacks sufficient insight or capacity to make responsible application therefor. No person shall be admitted to a state mental hospital on the basis of such certification at any time after expiration of three days from the date of the examination. Where a person is hospitalized under this subsection the hospital shall initiate without delay an application for an involuntary hospitalization order as provided in this Act, unless the patient agrees to remain voluntarily.

Section 5. A new section of KRS is created to read:

(1) Any peace officer who has reasonable grounds to believe that an individual is mentally ill and probably will cause injury to himself or others if not immediately restrained may detain that person with or without a warrant. The peace officer shall, as soon as practical, take the person before a physician for an examination. If the physician then certifies in writing that the individual in his opinion (a) probably will cause injury to himself or others if not restrained, and (b) lacks insight or capacity to apply for his own hospitalization, and if facilities are available and an authorized staff physician agrees, the person may be lodged in a hospital rather than jail pending a hearing as provided in subsection (3) of Section 5 of this Act. The peace officer so detaining shall comply with the rules of criminal procedure insofar as they are not in conflict with this Act.

(2) Persons suspected of being mentally ill but who have not been detained under the provisions of subsection (1) of Section 5 of this Act may be proceeded against upon the filing of a complaint before any judge of a circuit, county, or police court where the person signing the complaint states under oath that the person to be restrained is in their opinion mentally ill and probably will cause injury to himself or others and shall furnish to the judge facts upon which the complainant relied in reaching the conclusion in accordance with the Rules of Criminal Procedure. If, from the complaint it appears to the judge there is probably cause to believe the person named is mentally ill and probably will cause injury to himself or others he shall issue a warrant of arrest for the person named.

(3) Where a person has been detained by a peace officer or pursuant to warrant he shall be taken before a judge of a circuit, county, or police court without unnecessary delay as provided in RCr 3.02. However, if the court is in possession of evidence that such a procedure would be harmful to the defendant, the presence of the defendant at the hearing may be waived.

If after the hearing, the court is of the opinion that the defendant should be restrained it may order him to be hospitalized in a state hospital or, other hospital agreeing to admit, for a period not to exceed seven consecutive days. Where the defendant

is not present at the hearing the court shall in its order refer to the medical evidence relied upon to waive the presence of the defendant.

(4) If it is the opinion of an authorized staff physician of the hospital after examination that no emergency exists or that space is not available, the hospital may refuse to admit. If the patient is not admitted, the authorized representative of the hospital shall notify the court at once in writing of the decision and include with the notification a summary of the examination.

(5) Hospitalization under this emergency provision shall be for a period of time not to exceed seven consecutive days from the date of the emergency order. Bail will not be set but release shall be by writ of habeas corpus.

(6) If at the end of seven consecutive days a formal application has not been made for an indeterminate hospitalization or sixty-day observation order, then the patient shall be discharged and the court issuing the hospitalization order notified of the date of release.

Section 6. KRS 202.030 is amended to read:

(1) Any reputable resident of the county, *or an authorized staff physician of a hospital or medical facility located in the county,* having knowledge of a person in the county not serving a sentence in the penitentiary or reformatory, who appears to be either mentally ill or mentally *retarded* [defective] may file a petition with the circuit clerk for a determination of the mental condition of such person setting forth facts verified by affidavit. The affidavit may be upon information and belief.

[(2) Proceedings for the commitment of a person who has been voluntarily admitted to a state mental hospital, who has been admitted on the request of a health officer, who has been returned to a hospital from another state, or who has been admitted on the application of his spouse, guardian, parent or friends may be initiated by the filing in the proper court of the county in which the hospital is located a certificate of two hospital staff physicians stating that the person is mentally ill or mentally defective and recommending that he be committed. The court

shall forthwith hear the case as provided in KRS 202.140.

(3) No mentally ill person or mentally defective person shall be committed to a state mental hospital or an institution for mental defectives unless he has been adjudged to be either mentally ill or mentally defective.]

Section 7. KRS 202.040 is amended to read:

(1) [In proceedings initiated by petition,] The petition *shall* [may] request.

[(a)] that the *individual* [defendant] be *conveyed to and held in* [sent] [to] a hospital for observation [,care] and treatment of his condition [;or] *for a period not to exceed sixty days.*

[(b) That he be adjudged incompetent; or

(c) Both.]

(2) The petition shall set forth:

(a) The name, [and] residence *and location, if known,* of the person concerning whom the petition is filed;

(b) The name and residence of the parents, if living, and if known to the petitioner, or of his legal guardian, if any, and if known to the petitioner;

(c) The name and residence of the husband or wife, if any, and if known to the petitioner;

(d) 1. The name and residence of the person having custody of such person, or if no such person is known,

2. The name and residence of [some] near relative, or that such person is unknown;

(e) Such other information as may be prescribed by the Commissioner.

Section 8. Section 202.020 is amended to read:

(1) Upon receipt of a petition described in Section 7 of this Act, the circuit court[s] shall *give notice to the proposed patient, to his legal guardian, if any, and to his spouse, parent*

or nearest known other relative or friend [have exclusive jurisdiction of all inquests concerning the commitment or determination of competency of persons alleged to be mentally ill or mentally defective,] except that when no circuit court is in session in the county *the county judge may do all things necessary to accomplish the purposes of this Act.* [, such inquests may be held by a circuit judge or by the county court, provided, that all inquests upon persons convicted of a crime shall be held only at regular term of the circuit court. When the inquest is held by the county court a fee of three dollars shall be allowed the court for holding said inquest and this fee shall be paid by the county, upon a certified copy of an order of allowance made by the court holding the inquest.]

Section 9. KRS 202.060 is amended to read:

[(1) The defendant, if of legal age, shall be notified of the proceedings by a summons issued requiring the person having custody or residing with the defendant to appear with the defendant at a time and place stated in the summons, not less than three days after service. All other persons named in the petition shall also be notified of the proceedings. If a person summoned as provided in this section fails without reasonable cause to appear and abide the order of the court, he may be proceeded against for contempt of court.]

(1) [(2)] If the petition alleges that the defendant [is] *probably will cause injury to himself or others and that he does not have the capacity or insight to authorize his own hospitalization* [or violent character and is dangerous,] a warrant may be issued for his arrest. [Such warrant may be issued by the circuit judge or county judge having jurisdiction of the proceedings as prescribed by KRS 202.020. If any] Such person *if* [is] arrested on such warrant [,he] shall be *conveyed* [taken] immediately to any hospital, *medical facility* or institution [having psychiatric facilities] approved by the Commissioner [of Mental Health] and shall be *there* examined by one or more staff physicians or psychiatrists *of the hospital or facility. If an authorized staff physician concurs that the person probably will cause injury to himself or others if not immediately restrained and thus should be hospitalized, such person may be retained in the*

hospital pending a hearing and judgment from the appropriate court as prescribed in this Act, or may be transported to an appropriate state hospital or institution, affiliated with the examining facility, for such retention. [attached to such hospital or institution. If the person is deemed of violent character and confinement is recommended by the examining physician, such person shall be confined in the appropriate hospital or institution to await further legal action as prescribed in this chapter. In counties where hospital facilities are not available, said person may be confined in the county jail for a period not to exceed forty-eight hours.]

Section 10. KRS 202.100 is amended to read:

(1) When a petition *for a sixty-day observation order* [mentioned in KRS 202.040] has been properly filed with the clerk of the court, the court shall appoint two physicians to examine the [defendant] *proposed patient* and to certify to the court *their findings as to the mental condition of the individual and his need for* [as to whether they find the defendant to require further] observation or *treatment. Where the individual named is already a patient in a hospital by virtue of a provision of this Act, the court may waive the appointment of two examining physicians, and accept as evidence of the patients mental condition the certification of two authorized staff physicians of the hospital in which the patient is held. If the examining physicians certify to the effect that the individual requires further observation or treatment, the court may order such person to a state mental hospital or other medical facility approved by the Commissioner, or if facilities are available and if such person is eligible for care or treatment therein, to the U. S. Veterans Administration or other agency of the U. S. Government for a period of care and medical examination, observation and treatment of the mental condition of such person for a period of time not to exceed sixty days.* [study in a mental hospital, but if the petition mentioned in KRS 202.040 is for the inquest of one alleged to be mentally defective, the court shall appoint two physicians or one physician and one certified clinical psychologist licensed under the provisions of KRS Chapter 319 to examine the defendant and to certify to the court as to whether they

find the defendant to need further study in an institution.

(2) Where possible, the physicians or physician selected shall have made a special study of mental deficiency and mental disease. The examiners, either physicians or physician and certified clinical psychologist, shall be entitled to a fee of ten dollars each for such examination and certification, to be paid by the county in which the petition is filed, upon a certified copy of an order of allowance made by the court holding the inquest.]

Section 11. KRS 202.115 is amended to read:

(1) In determining whether the defendant should be sent for observation, care and treatment, the court may in its discretion require other evidence in addition to the petition and the certificates of the examining physicians, and may require the attendance at the hearing of the physicians and any other witnesses. The defendant or anyone representing him may summon witnesses and present evidence as in other cases.

(2) If the certificate of the *examining physicians* [medical examiners] states that the defendant appears to be in good mental health and that he appears not to require any observation or treatment, the court may discharge the defendant and terminate the proceedings.

Section 12. KRS 202.130 is amended to read:

No *described hearing in Section 10 of this Act* [inquest] shall be held unless the defendant is in court, except when it appears from the *evidence presented by* [oath or affidavit of] two regular practicing physicians that they have examined him and that they believe that his condition is such that it will be unsafe or unwise to bring him into court, or except upon the presentation of *like evidence* [an affidavit] from two *authorized* staff physicians of the institution to which the defendant has been admitted. [under KRS 202.120, 203.020, 203.030, or 203.040 that the defendant is mentally ill or mentally defective.]

Section 13. A new section of KRS is created to read:

(1) Proceedings for involuntary hospitalization of an individual for periods of time in excess of seven-day emergency or-

ders or sixty-day observation orders may be initiated by the filing of a written application with the circuit court by a friend, relative, spouse or guardian of the individual, or by an authorized staff physician of a hospital or institution in which such individual is residing, or by any other physician, or health officer.

The petition shall set forth:

(a) The name and residence of the person concerning whom the petition is filed;

(b) The name and residence of the parents, if living, and if known to the petitioner, or of his legal guardian, if any, and if known to the petitioner;

(c) The name and residence of the husband or wife, if any, and if known to the petitioner;

(d) The name and residence of the person having custody of such person, or if no such person is known the name and residence of a near relative, or that such person is unknown;

(e) Such other information as may be prescribed by the Commissioner.

(2) Upon receipt of an application the court shall give notice thereof to the proposed patient, to his legal guardian, if any, and to his spouse, parents, and nearest known other relative or friend. In the absence of the circuit judge, the county judge may do all things necessary to accomplish the purposes of this Section of this Act.

(3) As soon as practicable after notice of the commencement of proceedings is given, the court shall appoint physicians to examine the proposed patient and certify to the court their findings as to the mental condition of the proposed patient and his need for observation, care or treatment in a hospital.

The examination shall be held at a hospital or other medical facility or at any other suitable place not likely to have a harmful effect on the patient's health.

(4) If the certificate of the two appointed physicians is to the effect that the proposed patient is not mentally ill, the court may, without taking any further action, terminate the proceedings

and dismiss the application; otherwise, it shall forthwith fix a date and give notice of a hearing to be held not less than five nor more than fifteen days from the receipt of the report.

(5) The proposed patient, the applicant and all other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing to testify and to present and cross-examine witnesses. The court may in its discretion receive the testimony of any other person. The proposed patient shall not be required to be present if it appears from the oath of the qualified examiners appointed by the court that they have examined him and that they believe his condition is such that it will be unsafe or unwise to bring him into court. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedures and in a physical setting not likely to have a harmful effect on the mental health of the proposed patient. The patient shall be represented at this hearing by an attorney.

(6) If upon completion of the hearing and consideration of the record the court finds that the proposed patient is: (1) mentally ill, and (2) because of his illness probably will cause injury to himself or others if permitted to remain at liberty, or (3) because of his illness lacks sufficient insight or capacity to make responsible decisions with respect to his hospitalization, it shall order him to a hospital for an indeterminate period.

Section 14. KRS 202.050 is amended to read:

[In each inquest] *The* court shall appoint a member of the bar to represent and protect the interests of the defendant, and the attorney for the Commonwealth also shall prevent the *involuntary hospitalization* [finding] of any person [to be] mentally ill or mentally *retarded* [defective] who, in his opinion, is not such.

Section 15. KRS 202.110 is amended to read:

The certificate furnished to the courts by physicians under the provisions of this Act shall be in the form prescribed by the Department.

(1) The certificate shall state that the defendant has been examined by each of the *examining physicians* [medical exam-

iners] making the certificate within three days prior to the date of the certificate. [, and that in their judgment he shows signs or symptoms of mental illness or mental deficiency, if such be the fact, and that the defendant requires further observation and treatment that can best be provided by a hospital or institution having facilities for such observation or treatment.

(2) The certificate shall be in the form prescribed by the Department of Mental Health, and] *It* shall state the facts and circumstances upon which the judgment of the [medical examiners] *examining physicians* is based, and shall be sworn to before a notary or the clerk or judge of the court.

Section 16. A new section of KRS is created to read:

(1) Where a person has been hospitalized under the procedure of this Act not requiring a petition, certification of two authorized staff physicians of the hospital in which a patient is held may be accepted by the circuit court as evidence in lieu of the petition required in this Act to institute 60-day and indeterminant hospitalization procedure. The Department shall prescribe the form of the certificate which may be used as evidence that the person shows symptoms of mental illness or retardation and that he is in substantial need of care and treatment.

Section 17. A new section of KRS is created to read:

(1) Where possible, the physicians selected by the court to perform examinations as described in this Act shall have made a special study of mental deficiency and mental disease. The examiners shall be entitled to a fee of ten dollars each for such examination and certification, to be paid by the county in which the petition is filed, upon a certified copy of an order of allowance made by the Court holding the hearing.

(2) Where the procedure involves hospitalization of a person alleged to be mentally retarded two physicians or one physician and one certified clinical psychologist licensed under the provisions of KRS Chapter 319 may examine the defendant and certify to the court as to whether they find the defendant to be mentally retarded.

Section 18. KRS 202.260 is amended to read:

(1) [If] *The* court which [holds the inquest] orders *any person to a hospital under the provisions of Sections 10 and 13 of this Act shall at once notify the hospital that such order has been made advising of the sex and condition of the person.* [an additional guard, his expenses shall be paid by the county and the costs shall not exceed seven cents per mile to be calculated by the nearest traveled route and all actual necessary expenses for feeding and lodging the patient.]

(2) When the hospital receives the notice provided for in subsection (1) it shall send a competent attendant or shall designate a competent person from the county in which the person has been ordered to the institution to convey the person to the institution, and only the actual traveling expenses of conveying any person to the institution shall be paid. Each female committed to any institution shall be accompanied by a female attendant, unless accompanied by her father, brother, husband or son.

(3) The hospital shall itemize the expenses of conveying all such persons to the institution and shall send a statement thereof to the commissioner's office, and the expenses shall be paid by the Department.

(4) In returning any patient to the county from which he was sent, when necessary, the cost of returning him shall be paid in the same manner.

(5) Only one person shall be paid out of the State Treasury for conveying a patient.

(6) [(2)] No allowance for expenses of either *attendant* [guard] or patient to and from the hospital or institution shall be made unless [a written application has been made previously to the hospital or] an order of the court has been made to convey the patient to the hospital. [immediately because of his violent and dangerous character.]

Section 19. KRS 202.210 is amended to read:

The order of involuntary hospitalization, and where applicable, [With the commitment of a person to a hospital,] a copy

of the petition, the certificate of the examining physicians [, and the order of commitment] shall be sent to the *receiving* hospital *without delay by the court ordering the hospitalization. Hospitals shall forward records and orders with any patients they transfer.*

Section 20. Section 202.250 is amended to read:

The hospital may refuse to receive any person upon an order of *involuntary hospitalization* [commitment] if the papers presented with such person do not comply with the provisions of this chapter.

Section 21. Section 202.230 is amended to read:

(1) If there is not room in the institution for the person sought to be *hospitalized,* [committed,] the hospital shall return the papers to the judge, and thereupon, without further proceedings, the judge shall, unless otherwise specially provided by law, issue a supplementary order committing such person to guardianship until a vacancy exists in the institution. In such case the judge shall send to the hospital a copy of the supplementary order of commitment to guardianship, [and] a copy of the original order of *involuntary hospitalization,* [commitment,] the petition, and the certificate of mental illness.

(2) When a vacancy occurs in the institution, the hospital shall immediately notify the judge and clerk of the court having charge of the patient and shall send an attendant to convey the patient to the institution. The patient shall be delivered to the attendant immediately upon arrival and the commitment to guardianship shall hereupon cease and the original order of *involuntary hospitalization* [commitment] to the institution shall take effect.

Section 22. KRS 203.180 is amended to read:

(1) The commissioner may transfer *or authorize the transfer of any voluntary or involuntary* patient [s] from one state mental hospital to another as the care and treatment of the patients and the exigencies of the service may require. *Such transfer may be authorized for persons involuntarily hospitalized under the provisions of this Act in any hospital affiliated with the Department.*

Whenever a patient is transferred, notice thereof shall be given to his legal guardian, parents and spouse, or, if none be known, his nearest known relative or friend. In all such transfers due consideration shall be given to the relatives to encourage visits beneficial to the patient.

(2) Whenever a patient, not a convict, who has been *hospitalized* [committed] by an order of the court, is transferred from one [state mental] hospital to another, the order of *hospitalization* [commitment] shall be held to apply to the hospital to which the patient is transferred as though that hospital had been the one to which the order of *hospitalization* [commitment] was originally made. *The receiving hospital shall notify the court issuing the order of any procedure regarding discharge of the patient.*

Section 23. A new section of KRS is created to read:

Any patient ordered to a hospital pursuant to the provisions of Sections 10 and 13 of this Act shall be examined by an authorized staff physician of the hospital as soon as practicable but not more than 48 hours after his arrival.

Section 24. A new section of KRS is created to read:

The chief medical officer, or his designated staff physician, of a hospital shall as frequently as practicable, but not less often than every six months, examine or cause to be examined every patient involuntarily hospitalized. At any time he determines that the condition justifying hospitalization no longer exists, he may discharge the patient and immediately make a report thereof to the court from which the patient was hospitalized and to the Department of Mental Health. If the examination shows that the person is still in need of treatment, then the chief medical officer of the hospital or his designated representative, shall so report the information to the court which originated the order.

Section 25. A new section of KRS is created to read:

(1) An authorized staff physician may release an improved involuntary patient on convalescent status when he believes that such release is in the best interest of the patient. Release on

convalscence status shall include notification to the hospitalizing court, provisions for continuing responsibility to and by the hospital, and include plans of treatment on an outpatient or nonhospital-patient basis, and may include care by a local comprehensive care center. Prior to the end of six months on convalescence status and not less frequently thereafter, an authorized staff physician shall re-examine the facts relating to the hospitalization of any such patient and make a report thereof as indicated in Section 19 of this Act. If he determines that the patient no longer requires this status, the patient shall be discharged. The court originating the order of hospitalization shall be notified in writing.

(2) Prior to such discharge the hospital from which such patient is given convalescent status may at any time readmit the patient without additional proceedings. If there is reason to believe that it is to the best interest of the patient to be rehospitalized, the commissioner or an authorized staff physician of the hospital may issue an order for the immediate rehospitalization of the patient. Such an order, if not voluntarily complied with, shall upon the endorsement by a magistrate in any court of the county in which the patient is a resident or is present, authorize any health or police officer to take the patient into custody and transoprt him to the responsible hospital, or where the order is issued by the commissioner, to a hospital designated by him. Notice of rehospitalization under this section shall be given to the originating court as soon as practicable and simultaneous with the order directing the rehospitalization if possible.

(3) Release on convalescent status shall not apply to persons held under hospitalization orders arising out of criminal offense unless consent of the appropriate court is obtained.

Section 26. KRS 203.030 is amended to read:

(1) The staff of a state mental hospital shall when requested in writing by a health officer receive and care for any person who needs *emergency* [immediate] care and treatment because of mental illness. Such person shall be received for a period not exceeding *seven consecutive* [fifteen] days from the date of the request. The request for admission shall be based on a personal examination made within three days of the date of

the request, and shall be filed with the hospital at the time of the patient's reception. If the request of the health officer alleges that the person to be admitted [is likely] *probably will,* because of his illness, injure himself or others if not immediately restrained, a warrant may be issued for his arrest and he may be taken into custody and immediately transported to any municipal, county or state hospital where he shall be confined until he can be removed to *a* [the] state mental hospital designated *by the Commissioner* [in the health officer's request]. In counties where hospital facilities are not available, said person may be confined in the county jail for a period not to exceed forty-eight hours.

(2) Within seven consecutive days of the admission date, the staff of the hospital shall determine the need of the person for further hospitalization. If two authorized staff physicians agree that the patient is in need of further treatment, they shall file in the appropriate court a certification requesting involuntary hospitalization procedures to be initiated under the provisions of this Act, unless the patient has agreed to remain voluntarily.

(3) [(2)] If the staff of the hospital finds that the patient admitted is not in need of hospital treatment, or would not be benefited thereby, the health officer shall, upon the written request of the staff, remove the patient within the *seven consecutive* [fifteen] day period prescribed by this section. Failure of the health officer to remove the patient within *seven consecutive* days shall render the health officer and the county from which the patient was sent jointly liable for the patient's board for such time as he may be left in the hospital beyond the time limit prescribed in this section. The amount of such board shall be the same rate established by the department under KRS 203.090.

[(3) If two staff physicians find that the patient is in need of hospital treatment and would be benefited thereby they shall file in the proper court a certificate stating that the patient is mentally ill and recommending his commitment. The court shall follow the procedure it usually follows when such a certificate is filed. If such certificate is filed, the hospital may continue

to hold the patient, beyond the expiration of the fifteen day period, until notified by the court that a hearing has been held and the defendant has been found to be mentally well.]

Section 27. KRS 203.040 is amended to read:

(1) Legal residents of the state who have become public charges in other states and have been returned to Kentucky because they have been adjudged mentally ill or mentally defective by the state returning them, may be immediately admitted to a state hospital at the request of any health officer. If no health officer is available for the purpose, the staff of the Kentucky hospital may receive such patient directly from the out-of-state official who has him in custody.

(2) Within seven consecutive days of the admission date, the staff of the hospital shall determine the need of the person for further hospitalization. If two authorized staff physicians agree that the patient is in need of further treatment, they shall file in the appropriate court a certification requesting involuntary hospitalization procedures to be initiated under the provisions of this Act, unless the patient has agreed to remain voluntarily.

[(2) Immediately upon admission the hospital shall notify the circuit court, or the county court if the circuit court is not in session, accompanying the notice with a certificate stating that the patient is mentally ill or mentally defective, and recommending his commitment, holding the patient in custody until the hearing is ordered by the court; however, if the admission be to a mental hospital, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and 202.110 may admit as evidence the affidavit of two staff physicians of the hospital in which the patient has been confined that the defendant is mentally ill or mentally defective.]

Section 28. A new section of KRS is created to read:

(1) If an individual ordered to be hospitalized pursuant to sections 9, 10 and 13 of this Act is eligible for hospital care or treatment by any agency of the United States, the court, upon receipt of certificate from such agency showing that facilities are available and that the individual is eligible for care or treat-

ment therein may order him to be placed in the custody of such agency for hospitalization. When any such individual is admitted pursuant to the order of such court to any hospital or institution operated by any agency of the United States within or without the state, he shall be subject to the rules and regulations of such agency. The chief officer of any hospital or institution operated by such agency and in which the individual is so hospitalized shall wtih respect to such individuals be vested with the same powers as the chief medical officers of hospitals within the state with respect to detention, custody, transfer, conditional release or discharge of patients. Jurisdiction is retained in the appropriate courts of this state at any time to inquire into the mental condition of an individual so hospitalized and determine the necessity for continuance of the hospitalization, and every order of hospitalization issued pursuant to this section is so conditioned.

(2) An order of court of competent jurisdiction of another state or the District of Columbia authorizing hospitalization of an individual by any agency of the United States shall have the same force and effect as to the individual while in this state as in the jurisdiction in which is situated the court entering the order; the courts or the district issuing the order shall be deemed to have retained jurisdiction of the individual so hospitalized for the purpose of inquiring into his mental condition and determining the necessity for continuance of his hospitalization as is provided in subsection (1) of this section with respect to individuals ordered hospitalized by the courts of this state. Consent is hereby given to the application of the law of the district in which is located the court issuing the order for hospitalization with respect to the authority of the chief officer of any hospital or institution operated in this state by any agency of the United States to retain custody, transfer, conditionally release, or discharge the individual hospitalized.

Section 29. KRS 203.185 is amended to read:

(1) Upon receipt of a certificate of the United States Public Health Service or such other agency of the United States Government that facilities are available for the care or treatment of any person heretofore *hospitalized* [committed to] any mental

hospital or other institution in this state for the care of mentally ill or mentally *retarded* [defective] persons and that such person is eligible for such care or treatment, the commissioner, upon recommendation by any such hospital or institution in this state, is hereby authorized to cause the transfer of any such person to the United States Public Health Service or other agency of the United States Government for care or treatment. Upon effecting any such transfer, the *hospitalization* [committing] court shall be notified thereof by the commissioner.

(2) Any person transferred as provided in this section shall be deemed to be *placed in the custody of* [committed to] the United States Public Health Service or other agency of the United States Government pursuant to the original *hospitalization* [commitment] the same as if he had been originally so hospitalized [committed].

(3) No person shall be transferred to an agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of mental illness unless prior to transfer the court issuing the confining order shall enter an order for transfer after motion and hearing. Any person transferred as provided in this section to an agency of the United States shall be hospitalized by such agency pursuant to the original order of hospitalization.

Section 30. A new section of KRS is created to read:

(1) The chief Medical Officer of the hospital shall provide reasonable means and arrangements for informing voluntary patients of their right to release as provided in this Act and for assisting them in making and presenting requests for release.

(2) Any patient hospitalized involuntarily pursuant to any section of this Act shall be entitled to re-examination of the order for his hospitalization on his own petition, or that of his legal guardian, parents, spouse, relative or friend to the circuit court of the county in which he resides or is detained. Upon receipt of the petition the court shall conduct or cause to be conducted by special commissioner proceedings in accordance with Section 13 of this Act except that this proceeding shall not be required to be conducted if the petition is filed sooner than six months

after the issuance of the order of hospitalization or sooner than one year after the filing of a previous petition under this section.

Section 31. A new section of KRS is created to read:

Every patient shall be entitled to humane care and treatment and to the extent that the facilities, equipment and personnel are available to medical care and treatment in accordance with the standards accepted in medical practice.

Section 32. A new section of KRS is created to read:

Mechanical restraints shall not be applied to a patient unless it is determined by an authorized staff physician or his designated representative to be required by the medical needs of the patient. Every use of a mechanical restraint and the reasons therefor shall be made a part of the clinical record of the patient under the signature of the authorized staff physician or his designated representative.

Section 33. A new section of KRS is created to read:

(1) Subject to the general rules and regulations of the hospital every patient shall be entitled:

(a) To communicate by sealed mail or otherwise with persons including official agencies inside or outside the hospital.

(b) To receive visitors.

(c) To exercise all civil rights including the right to dispose of property, execute instruments, make purchases, enter into contractual relationships and vote unless he has been adjudicated incompetent and has not been restored to legal capacity.

(d) Notwithstanding any limitations authorized under his section on the right of communication, every patient shall be entitled to communicate by sealed mail with his attorney and with the court and with the Department of Mental Health, Office of the Commissioner, at the expense of the Department.

(e) Any limitations imposed by the hospital authorities on the exercise of these rights by the patient and the reasons for such limitations shall be made a part of the clinical record of the patient.

Section 34. A new section of KRS is created to read:

Any individual who has been involuntarily hospitalized under provisions of KRS Chapter 202 shall be entitled to the writ of habeas corpus upon proper petition by himself or a friend to any court generally empowered to issue the writ of habeas corpus in the county in which he is detained.

Section 35. A new section of KRS is created to read:

Notwithstanding any other provision of this Act, no patient with respect to whom proceedings for judicial involuntary hospitalization have been commenced shall be released or discharged during the pendency of such proceedings unless ordered by a court or upon the report of an authorized staff physician that the patient may be discharged with safety.

Section 36. A new section of KRS is created to read:

(1) Involuntary hospitalization or institutionalization of the mentally retarded shall take place by the same procedure as hospitalization of the mentally ill as provided in this Act, except that where the court appoints qualified examiners or physicians to examine the defendant, a certified clinical psychologist licensed under the provisions of KRS Chapter 319 may be substituted for one qualified examiner or physician when the individual is alleged to be mentally retarded.

(2) No mentally retarded person shall be admitted to a state mental hospital without the consent of the commissioner, except for emergency admissions as provided by Section 5 of this Act. Additional procedure for admission to state institutions for mentally retarded shall be prescribed by the commissioner and notification given to all county and circuit courts annually. No patient or individual shall be admitted to a state institution when suitable space is not available.

(3) All rights guaranteed by this Act to mentally ill persons shall apply to mentally retarded persons.

Section 37. KRS 203.010 is amended to read:

As used in this chapter unless the context otherwise requires:

(1) "Mentally ill person," ["mentally defective person,"] "patient," "physician," "hospital," and "state mental hospital" have the same meaning as defined in KRS 202.010;

(2) "Incompetency" or "Incompetent Person" shall apply to a person of unsound mind who from confirmed bodily infirmity is unable to make known to others by speech, sign or otherwise his thoughts or desires and by reason thereof is unable to manage his estate, or one whose mind because of mental illness or infirmity or old age has become so disabled as to render him unable to manage his estate.

[(2) "Health officer" means any person charged with enforcing the health laws of the state or any political subdivision thereof;

(3) "Department" means the Department of Mental Health, and "Commissioner" means the Commissioner of Mental Health.]

Section 38. A new section of KRS is created to read:

(1) Any reputable resident of the county having knowledge of a person in the county not serving a sentence in the penitentiary or reformatory, who appears to be incompetent to manage his estate may file a petition with the circuit clerk for a determination of the incompetency of such person setting forth facts verified by affidavit. The affidavit may be upon information and belief.

(2) All petitions filed requesting adjudication of incompetency must include the following information:

(a) The name and residence of the person concerning whom the petition is filed;

(b) The name and residence of the parents, if living, and if known to the petitioner, or of his legal guardian, if any, and if known to the petitioner;

(c) The name and residence of the husband or wife, if any, and if known to the petitioner;

(d) 1. The name and residence of the person having

custody of such person, or if no such person is known.

2. The name and residence of some near relative, or that such person is unknown.

Section 39. A new section of KRS is created to read:

In each inquest for incompetency, the court shall appoint a member of the bar association to represent and protect the interests of the defendant, and the attorney for the Commonwealth also shall prevent the finding of any person to be incompetent who, in his opinion, is not such.

Section 40. A new section of KRS is created to read:

(1) When the petition has been properly filed with the clerk of the court, the court shall appoint two physicians or one physician and one certified clinical psychologist licensed under the provisions of KRS Chapter 319 to examine the defendant and to certify to the court as to whether they find the defendant mentally disabled.

(2) Where possible, the physicians or physician selected shall have made a special study of mental deficiency and mental disease. The examiners, either physicians or physician and certified clinical psychologist, shall be entitled to a fee of ten dollars each for such examination and certification, to be paid by the county in which the petition is filed, upon a certified copy of an order of allowance made by the court holding the inquest.

(3) The certificate shall state that the defendant has been examined by each of the medical examiners making the certificate within three days prior to the date of the certificate.

Section 41. A new section of KRS is created to read:

The defendant, if of legal age, shall be notified of the proceedings by a summons issued requiring the person having custody or residing with the defendant to appear with the defendant at a time and place stated in the summons, not less than three days after service. All other persons named in the petition shall also be notified of the proceedings. If a person summoned as provided in this section fails without reasonable cause to appear

and abide the order of the court, he may be proceeded against for contempt of court.

Section 42. A new section of KRS is created to read:

No inquest shall be held unless the defendant is in court, except where it appears from an oath or affidavit of the examining physicians or from an affidavit from two authorized staff physicians of an institution to which the defendant has been admitted under provisions of this Act that the condition of the defendant is such that it will be unsafe or unwise to bring him into court.

Section 43. KRS 202.070 is amended to read:

(1) *Upon* return of the summons or other process, or on the appearance of the defendant, with or without summons or other process, in person before the court together with the return of the service of notice, if there be any person notified, or upon the personal appearance or written consent to the proceedings of any persons notified, or as soon thereafter as practicable the court shall proceed to hear and dispose of the case.

(2) The court shall impanel a jury and the following oath shall be administered to the jury: "You do swear that you will well and truly inquire and from the evidence say in your verdict whether the person you have in charge is incompetent to manage his affairs, and if so, then you will also determine his place of birth and residence and whether he has been brought into this State by any person and by whom for the purpose of becoming a charge of the Commonwealth. You will find what estate, and the value thereof, he owns in possession, reversion or remainder; whether his parents are alive, where they reside, and whether they have estate sufficient to support him, and if married, where his or her spouse resides and whether such spouse has an estate sufficient to support him."

Section 44. KRS 202.320 is amended to read:

(1) Proceedings for restoration of a person who has been adjudged incompetent [but not committed to a hospital] may be instituted by the filing *in circuit court* of an affidavit by the

person seeking restoration, or by his spouse, relative, guardian, or next friend. Written notice of the proceedings for restoration shall be given to the county attorney and to the committee, if any, of the person seeking restoration. If the proceedings are instituted by a person other than the spouse, relative or guardian of the person seeking restoration such notice shall also be given to those persons.

(2) Whenever it appears from a petition filed with the circuit court that such person has been restored to competency, the court shall within ten days inquire into the facts either by a jury in open court or at its discretion in chambers and shall make all necessary orders in the premises.

(3) If the court finds such person to be competent, it shall enter an order and judgment restoring the person and giving him all the rights and privileges of a citizen.

(4) The clerk of the court, if it be a court other than the one in which the person was declared incompetent, shall transmit a certified copy of the restoration judgment to the originating court and the county court clerk of that county shall be directed to comply with the provisions of Section 45 of this Act.

Section 45. KRS 202.145 is amended to read:

It shall be the duty of the clerk of the court, immediately upon the rendering of a judgment in an inquest proceeding adjudging a person to be incompetent, or a restoration of same, within not more than twenty-four hours thereafter, to file an attested copy of said judgment in the office of the clerk of the county court of the county in which said judgment was rendered, which copy shall be filed and not recorded by the county clerk but indexed in the book in which notices of action and encumbrances are indexed. For each filing the county clerk shall receive a fee of fifty cents which shall be taxed as costs of the inquest by the clerk of the court filing same; provided, however, should the person adjudged be without any estate, [or a pauper,] the county clerk shall receive, file and index said judgment without the payment of any fee. Unless a copy of said judgment is filed in said county clerk's office, the judgment shall not constitute notice to

any subsequent bona fide purchaser for value, mortgagee, or encumbrancer.

Section 46. A new section of KRS is created to read:

Adjudication of incompetency as provided under this section shall give jurisdiction to the county court for the appointment of a committee as provided in KRS 387.220.

Section 47. KRS 210.090 is amended to read:

Neither the commissioner nor the assistant commissioner *nor any Superintendent or Director of an Institution* of the Department of Mental Health shall be permitted to engage in any political activity.

Section 48. KRS 210.110 is amended to read:

(1) No officer in the Department of Mental Health shall sell anything to any institution under the control of the department, or make any contract, in which he is personally interested, with such institution.

[(2) No officer or employe of the department shall accept any gift or fee for any purpose from any person who has at the time or has had a contract to do anything connected with the department or any of its institutions.]

Section 49. KRS 210.150 is amended to read:

(1) Pursuant to agreement entered into by the heads of the departments concerned, a patient or inmate of a state institution operated by one state department may be transferred to a state institution operated by another state department, except that:

(a) An inmate may be transferred from a penal or correctional institution only as provided in KRS 202.380 and 431.240;

(b) No patient or inmate may be transferred to a penal or correctional institution unless he has been committed to such institution by judgment of a court;

(c) No patient or inmate may be transferred to an institution for the mentally ill or mentally *retarded* [defective] except

for a period of observation not to exceed *sixty* [thirty-five] days, unless he has been *hospitalized for an indeterminant period* [committed to a state institution for the mentally ill or mentally defective]. However, this shall not apply to transfers under KRS 202.380 or 431.240.

(2) When a patient or inmate *hospitalized* [committed] by court order to one institution is transferred to another institution pursuant to this section, the order of *hospitalization* [commitment] shall be deemed to apply to the institution to which transferred.

Section 50. KRS 210.150 is amended to read:

The Division of Farm Management in the Department of Corrections under agreements with the Department of Mental Health, shall supervise the management and operation of any farm or agricultural facilities attached to or a part of any of the institutions operated by the Department of Mental Health. The products of any such farm or agricultural facility shall be furnished to the institution for use or sold or exchanged for the use of the *Department of Mental Health* [institution.]

Section 51. KRS 210.180 is amended to read:

There shall be established and maintained, at each of the institutions operated by the Department of Mental Health, a canteen which shall be incorporated and self-supporting. The directors of each canteen shall be the Commissioner of Mental Health, the *deputy* [assistant] commissioner *for administration,* and two staff members of the institution. All profits from each canteen shall be used exclusively for the benefit of the patients of the institution.

Section 52. KRS 210.190 is amended to read:

The Commissioner of Mental Health may utilize the services of the workers of the Department of Health, and the social workers of the Department of *Corrections* [Welfare] and the Department of Economic Security, when authorized by the commissioners of these departments. The Commissioner of Mental Health may authorize payment of the actual traveling expenses of the workers so utilized.

Section 53. KRS 210.210 is amended to read:

(1) The Commissioner of Mental Health may appoint, for each of the institutions operated by his department, a board of visitors consisting of not less than three nor more than [ten] *fifteen* citizens having an interest in the problems of mental health. The members of each board shall serve during the pleasure of the commissioner, and without compensation.

(2) Each board of visitors shall visit at least once a year the institution for which it was appointed, and shall report to the Commissioner the conditions found to exist in the institution, together with recommendations for improvements in the administration of the institution. The board shall be given free access to the institution and its patients for the purpose of such visits.

Section 54. KRS 210.230 is amended to read:

The Commissioner of Mental Health may prescribe appropriate records to be maintained covering the operations of the department and of the institutions operated by it, and covering *involuntary hospitalization* [commitment] procedures. Any record forms applicable to *involuntary hospitalization* [commitment] procedures shall be furnished to each court having jurisdiction to *order hospitalization of* [commit] mentally ill *or retarded* persons, and the records contemplated by such forms shall thereafter be made by the [committing] *hospitalizing* courts.

Section 55. KRS 210.260 is amended to read:

[Any hospital operated by] *The* Department of Mental Health, having established printing facilities, may produce printing of any class for the use of the hospital and the department, but not for any other purpose.

Section 56. KRS 203.045 is amended to read:

In no case where the certificate or affidavit of *state hospital* staffs [physicians] is admitted as evidence in a proceeding to determine whether a person should be [committed to a] hospitali*zed* shall any fee be charged, it being considered a part of the regular state service.

Section 57. KRS 203.220 is amended to read:

[(1) The superintendent of the institutions for feebleminded or epileptic persons shall provide such care and training for each inmate as may be necessary to render him more useful and happy and to make him as nearly self-supporting as his mental capacity permits.]

[(2)] The *residents* [inmates] of *state mental hospitals* [such institutions] may manufacture and produce for their own use, or for sale, such articles, furniture, clothing, tools, products, and other supplies and engage in such labor or work of construction as may be approved by the *Department of Mental Health* [Division of Mental Retardation].

Section 58. KRS 203.070 is amended to read:

Every patient admitted to a state mental hospital or institution, excepting [paupers and] prisoners transferred from state penal or correctional institutions, shall be charged for his support at the rate fixed by the department under the provisions of KRS 203.090. [Such charges shall be paid in advance.] If the patient is discharged or dies before the expiration of the period of time for which his support has been paid, a proper proportion of the amount paid shall be refunded.

Section 59. A new section of KRS is created to read:

In addition to the specific authority granted by other provisions of this Act, the Department of Mental Health shall have authority to prescribe the form of applications, records, reports and medical certificates provided for under this Act and the information required to be contained therein; to require reports from the head of any hospital relating to the admission examination, diagnosis, release or discharge of any patient; to visit hospitals regularly to review the hospitalization procedures of all new patients admitted between visits; to investigate by personal visit complaints made by any persons on behalf of any patients or by any patients themselves; and to adopt such rules and regulations not inconsistent with the provisions of this Act as it may find to be reasonably necessary for proper and efficient hospitalization of the mentally ill.

Section 60. KRS 210.990 is amended to read:

(1) Any officer who violates subsection (1) of KRS 210.110 shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars.

[(2) Any officer or employe who violates subsection (2) of KRS 210.110 shall ipso facto forfeit his office or position, and the office or position shall be declared vacant.]

(2) [(3)] Any person who willfully violates KRS 210.130 or 210.220 shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Section 61. A new section of KRS is created to read:

Any person who willfully causes or conspires with or assists another in causing

(a) the unwarranted hospitalization of any individual under the provisions of this Act or

(b) the denial of any individual of any of the rights accorded to him under the provision of this Act shall be punished by a fine not exceeding five thousand dollars or imprisoned for a term not to exceed five years or both.

Section 62. KRS 432.490 is amended to read:

(1) Any person who takes a lawfully *involuntarily hospitalized patient or resident* [committed inmate] from any state *hospital* [institution for the insane or feeble-minded] without the consent of *authorized staff physician* [the superintendent], or who entices, assists or encourages any such inmate to escape, **shall be [imprisoned for not more than six months]** *fined not more than five hundred dollars.* The *County* [circuit] court of the county in which the escape was effected shall have jurisdiction.

(2) Any person who entices, assists, or encourages any patient or resident in a state hospital to leave the hospital for any unlawful purposes shall be imprisoned for not more than six months or fined not more than five hundred dollars or both. The county court of the county in which the escape was effected shall have jurisdiction.

Section 63. The following sections are repealed:

KRS 202.005, 202.120, 202.140, 202.160, 202.165, 202.180, 202.190, 202.240, 202.280, 202.290, 202.300, 203.120, 203.190, 203.210, 203.240, 203.250, 203.260, 203.270, 203.280, 203.290, 203.300, 202.370, 203.990 and 210.280.

Section 64. A new section of KRS is created to read:

(1) Upon enactment of this bill, the Revisor shall recompile in KRS Chapter 202 the following existing KRS sections:

KRS 202.340, 202.350, 202.360, and 202.380.

(2) The Revisor shall recompile in KRS Chapter 203 the following KRS sections:

KRS 202.295, 202.330, 202.990.

(3) The Revisor shall recompile in KRS Chapter 210 the following existing KRS sections:

KRS 202.170, 203.090, 203.100, 203.110, 203.155, 203.160, 203.340, 203.410, 203.420, 203.430, 203.440, 203.450, 203.460, 203.470, 203.480, 203.490, 203.500, 210.005, 210.010, 210.020, 210.030, 210.040, 210.045, 210.055, 210.065, 210.075, 210.080, 210.100, 210.130, 210.160, 210.170, 210.200, 210.220, 210.240, 210.270, 210.290, 210.520, 210.530, 210.540, 210.550.

(4) The Revisor shall compile in KRS Chapter 202 the following sections of this Act:

Sections 1 through 36.

(5) The Revisor shall compile in KRS Chapter 203 the following sections of this Act:

Sections 37 through 46.

(6) The Revisor shall compile in KRS Chapter 210 the following sections of this Act:

Section 47 through 62.

HB 452, AN ACT relating to toxic glue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act, the term "toxic glue" shall mean any glue, adhesive cement, mucilage, plastic solvent or other adhesive containing toluene, acetone, xylene, butyl alcohol, hexane, tricresyl phosphate or other toxic ingredient.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person shall, for the purpose of violating or aiding another to violate any provision of this Act, intentionally possess, buy, sell, transfer possession or receive possession of any toxic glue.

(2) No person shall sell or transfer possession of any toxic glue to another person under 18 years of age except that one container of glue may be sold at any one time to a person under 18 years of age provided that the container is included in a kit for the assembly of a model, or that a kit not having glue packaged therein is sold in conjunction with the sale of one container of glue.

(3) No person shall inhale, drink, eat or otherwise ingest into his respiratory or circulatory system any toxic glue with the intent of becoming intoxicated, elated, paralyzed, irrational, or in any manner changing, distorting or disturbing the eyesight, thinking process, judgment, balance or coordination, of such person. For the purpose of this section, any such condition so induced shall be deemed to be an intoxicated condition.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

Whoever violates any provision of this section shall be fined not less than twenty-five dollars nor more than three hundred dollars or imprisoned for not more than six months, or both.

Committee Substitute to **HB 452** is as follows:

Committee Substitute HB 452, AN ACT relating to toxic glue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act, the term "toxic glue" shall mean any glue, adhesive cement, plastic solvent or other adhesive containing chloronated hydrocarbons, aromatic and aliphatic hydrocarbons, ketones, butyl alcohol, tricresyl phosphate or other toxic ingredient.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

No person shall inhale, drink, eat or otherwise ingest into his respiratory or circulatory system any toxic glue with the intent of becoming intoxicated, elated, paralyzed, irrational, or in any manner changing, distorting or disturbing the eyesight, thinking process, judgment, balance or coordination, of such person. For the purpose of this section, any such condition so induced shall be deemed to be an intoxicated condition.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

Whoever violates any provisions of Section 2 of this Act shall be fined not less than twenty-five dollars nor more than three hundred dollars or imprisoned for not more than six months, or both.

The Committee on Health and Welfare reported **HB 406** without expression of opinion.

The Committee on Appropriations and Revenue reported **HB 520, HB 487, HB 530, HB 577, HB 447** with Committee Amendment attached thereto, **HB 521** with Committee Amendment attached thereto, and **HB 456** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 520, AN ACT relating to tax bills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 133.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue annually shall furnish to each county clerk tax bill forms designed for adequate accounting control sufficient to cover the taxable property on the rolls. These tax bill forms shall be furnished not later than ten days after the Department of Revenue has rendered its certification. The county annually shall furnish the county clerk with sufficient tax bill forms for his use in the preparation of tax bills for all taxpayers who are liable for a poll tax and who own no property assessed for taxation.

(2) After receiving the forms the county clerk shall make out for the use of the sheriff or collector a correct tax bill for each taxpayer in the county whose property has been assessed and whose valuation is included in the certification provided in KRS 133.180. If the bills are bound, the cost of binding shall be paid out of the county levy. Each tax bill shall show the rate of tax upon each one hundred dollars worth of property for state, county, and school purposes; the name of the taxpayer and his mailing address; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property; the county poll; the school poll; the school tax; and the total amount of taxes due the state, county, school fund, and other levies. Provision shall be made for the sheriff to have a stub, duplicate, or other proper evidence of receipt of payment of each tax bill. *Each tax bill shall have stamped or printed on its face the name and mailing address of the sheriff.*

(3) Tax bills prepared in accordance with the certification of the Department of Revenue shall be delivered to the sheriff or collector by the county clerk before September 15 of each year. The clerk shall take a receipt showing the number of tax bills and the total amount of tax due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff.

(4) Upon delivery to him of the tax bills, the sheriff or collector shall mail a notice to each taxpayer, showing the total amount of taxes due the state, county, school fund, and other levies, the date on which the taxes are due, and any discount to which the taxpayer may be entitled upon payment of the taxes prior to a designated date.

HB 487, AN ACT relating to payments in lieu of taxes by the Capital Plaza Authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

Each school district in which the Capital Plaza Authority owns property shall each year be paid by the Authority an amount which shall be the same amount as that determined by multiplying the value of the property in the year it was acquired by the authority by the current ad valorem tax rate of the jurisdiction.

HB 530, AN ACT relating to the summoning of jurors from adjoining counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.262 of Chapter 29 of the Kentucky Revised Statutes is amended to read as follows:

(1) If, after making a fair effort in good faith, the judge is satisfied that it will be impracticable to obtain a jury free of bias in the county in which the prosecution is pending, he may order the sheriff to summon a sufficient number of qualified jurors from some adjoining county in which the judge believes there is the greatest probability of obtaining impartial jurors. The sheriff shall go to the circuit judge of the adjoining county, if he is in the county at the time, and request the judge to draw from the jury drum sufficient names and to record the names on paper, certify and sign it. The sheriff shall then summon from such list the number ordered to be summoned. If the circuit judge is not

in the county at the time, the sheriff shall select such jurors from the panels which served, and whose names appeared of record, as jurors at the previous regular term of court in the adjoining county. If the jurors who served at the preceding term are not sufficient in number to meet the number ordered summoned, the sheriff shall select the remainder from the list which served at the next to the last preceding term. From the persons so summoned the jury may be formed.

(2) The jurors summoned under subsection 1 of this section shall be paid, in addition to their per diem, eight cents per mile going and returning by the nearest traveled route from the place in which they reside to the place to which they are summoned. This mileage shall be allowed by the court and certified to the Circuit Clerk for payment from funds advanced out of the state treasury.

Section 2. Section 28.180 of Chapter 28 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each circuit clerk shall pay to each juror the compensation *and mileage* allowed him by law, under appropriations provided by the General Assembly and in accordance with procedures governing expenditures from appropriations. He shall take a receipt for each payment made by him showing the date on which payment is made. For the purpose of providing for such payments, the State Treasurer, on direction of the Department of Finance, shall advance to each circuit clerk an imprest fund sufficient for the payments for a term of court or, if the court is one of continuous session, sufficient for the period of service of each grand or petit jury panel, or both, but not to exceed a period of sixty days.

(2) The circuit clerk shall be allowed five percent of all funds forwarded to the State Treasury under KRS 28.170, and an amount equal to five percent of the funds disbursed by him to jurors under this section.

HB 577, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.370 is amended to read:

(1) *Effective December 1, 1969* there shall be a *property valuation administrator* [county tax commissioner] in each county in lieu of a county assessor.

(2) *Property valuation administrators* [county tax commissioners] shall be elected in the year *1969* [1961] and each four years thereafter and shall enter upon the discharge of the duties of their office on the first Monday in December after their election and continue in office for a period of four years, and until the election and qualification of their successors. *Property valuation administrators* [county tax commissioners] shall possess the qualifications required by Section 100 of the Constitution and by KRS 132.380 and shall be eligible for re-election.

(3) A county tax commissioner may be removed from office by the circuit court of his county, upon petition of the department or any taxpayer, for wilful disobedience of any just or legal order of the department, or for misfeasance or malfeasance in office or wilful neglect in the discharge of his official duties, but he or the petitioner may appeal to the Court of Appeals.

Section 2. KRS 132.590 is amended to read:

(1) The compensation of the county tax commissioner *except as provided in subsections (a), (b), (c), and (d) of subsection (5) of this section* shall be computed on the basis of ten cents on each one hundred dollars of the first four and one-half million dollars and one-half of one cent on each one hundred dollars of the excess over four and one-half million dollars of the annual assessment. However, each county tax commissioner shall receive a minimum monthly payment of $350 as part or all of his compensation. Should a county tax commissioner for any reason vacate the office in any year during his term of office, any fees accruing to the office as compensation for the county tax commissioner shall be prorated and the commissioner shall be paid only for the calendar days actually served during the year.

(2) [In counties in which the assessed value of property exceeds four million dollars,] The county tax commissioner's office shall be allowed by the state as compensation for deputies,

other authorized personnel, and for other authorized expenditures, [three-fourths of] one cent on each one hundred dollars of the property assessed, *exclusive of livestock and farm machinery* [in excess of four million dollars]; but the total sum allowed any county tax commissioner's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed twenty-*five* thousand dollars in any county except in a county having a city of the first or second class, which shall be governed by KRS 132.630; however, each county tax commissioner's office shall be allowed a minimum of $3,000 annually, including local contributions for the assessment, for the compensation of deputies, other authorized personnel, and for other authorized expenditures. Each county tax commissioner may appoint any persons approved by the Department of Revenue to assist him in the discharge of his duties. Each deputy must be more than twenty-one years of age and may be removed at the pleasure of the county tax commissioner. The salaries of deputies and other authorized personnel shall be fixed by the county tax commissioner and shall be subject to the approval of the Department of Revenue. No deputy county tax commissioner employed, or promoted to a higher position [, after June 30, 1962,] shall be approved for compensation from any funds derived from any taxing jurisdiction or jurisdictions in excess of $3,600 in any one calendar year, without having qualified by examination, said examination to be prepared and administered by the Department of Revenue in accordance with standards of the Department of Personnel, for the position to which he is being appointed or promoted. No state funds available to any county tax commissioners' office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the Department of Revenue, prior to the employment by the tax commissioner of deputies or other authorized personnel or the incurring of other authorized expenditures.

(3) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the county tax commissioner for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the tax commissioner and his deputies and other authorized personnel, and other author-

ized expenses of the office, $200 for the first million dollars of assessment and *one-fourth* [one-fifth] of one cent for each hundred dollars of assessment in excess of one million dollars; but the total sum to be paid by the fiscal court to any county tax commissioner's office shall not exceed $20,000 except in a county having a city of the first *or second* class, which shall be governed by KRS 132.630. This allowance shall be based on the assessment as of the previous January 1.

(4) Each county tax commissioner shall at the end of each month file a claim with the fiscal court for the salaries of his deputies, other personnel, and other expenses of his office incurred during the month which are reimbursable from county funds. The court shall order payment made provided the total of all claims filed with the court does not exceed the total sum available under this section. The county tax commissioner shall maintain a payroll record of all employes compensated from local funds derived from any taxing jurisdiction, file such record with the Department of Revenue and pay all funds withheld from employes compensation for federal FICA taxes, federal income taxes, state income taxes, state employes retirement, and all other required deductions by the fifth day following the end of each month. During county election years the county tax commissioner shall not be allowed to expend in excess of forty percent of the allowances available to his office from county funds during the first five months of the fiscal year in which the general election is held.

(5) The county tax commissioner shall not receive for his personal services, incident to any assessment, as an annual salary more than $9,600 dollars in any calendar year, except in a county having a city of the first or second class which shall be governed as follows:

(a) The annual salary of the county tax commissioner in a county having a city of the first class *and an assessment in excess of five billion dollars* shall be classified [by the Department of Personnel] in grade *nineteen* [thirty-seven, step one.] of the state personnel classification system in effect January 1, *1968* [1966].

(b) The annual salary of the county tax commissioner in

a county having a city of the second class *and an assessment in excess of one billion dallars* shall be classified [by the Department of Personnel] in grade *eighteen* [thirty-five, step one,] of the state personnel classification system in effect January 1, *1968* [1966, however, the 1966 salary for the county tax commissioners in a county having a city of the second class shall not be less than $9,600. The provisions of this section shall be computed on the 1966 assessment and on each annual assessment thereafter.]

(c) The annual salary of the county tax commissioner in a county having a city of the second class and an assessment between five hundred million and one billion dollars shall be classified in grade seventeen of the state personnel classification system in effect January 1, 1968.

(d) The annual salary of the county tax commissioner in a county having a city of the second class and an assessment less than five hundred million dollars shall be classified in grade sixteen of the state personnel classification system in effect January 1, 1968. The annual salary of a county tax commissioner whose salary is determined by the provisions of subsections (5) (a), (5) (b), (5) (c), or (5) (d) of Section 1 of this Act shall not be less than the maximum salary provided for all other county tax commissioners.

(e) The provisions of this section shall be computed on the 1968 assessment and on each annual assessment thereafter.

(f) Tax commissioners compensated in accordance with subsections (a), (b), (c), and (d) of this subsection shall be advanced in grade in accordance with the rules and regulations of the Department of Personnel.

Section 3. KRS 132.630 is amended to read:

(1) In counties containing a city of the first class the total amount allowed from state funds for [salaries for the county tax commissioner, his deputies, and other personnel and] all [other] authorized expenses of the *county tax commissioner's* office *except the county tax commissioner's salary* shall not exceed in the aggregate the amount determined under KRS 132.590 *(2). The provisions of this subsection shall be computed on the 1968 assessment and on each annual assessment thereafter.*

(2) In counties containing a city of the second class the total amount allowed from state funds for [salaries for deputies and other personnel and] all [other] authorized expenses of the *county tax commissioner's office except the county tax commissioner's salary* shall not exceed *seventy-five* [forty] thousand dollars, except that the Department of Revenue may authorize additional expenditures under KRS 132.600. *The provisions of this subsection shall be computed on the 1968 assessment and on each annual assessment thereafter.* However, the total amount allowed exclusive of allowances under KRS 132.600 shall not exceed in the aggregate the amount determined under KRS 132.590 or *seventy-five* [forty] thousand dollars, whichever is smaller.

(3) In counties having a city of the first *or second* class the total amount allowed from county funds for [salaries of deputies and other personnel and other] authorized expenditures *of the county tax commissioner's office* shall not exceed *twenty-five thousand dollars in a county having a city of the second class and fifty thousand dollars in a county having a city of the first class* [fifty thousand dollars].

Section 4. Subsections (a), (b), (c), and (d) of subsection (5) of KRS 132.590 and subsection (3) of KRS 132.630 shall become effective July 1, 1968.

Section 5. With respect to the provisions of KRS 132.590 (5) (a) and (b) and KRS 132.630 (3) as they existed immediately prior to the enactment of this Act such subsections shall remain in effect until July 1, 1968.

Section 6. Effective December 1, 1969, the reviser of statutes is hereby directed to delete the title "county tax commissioner" or "tax commissioner" wherever it appears in the Kentucky Revised Statutes, and is directed to substitute therefor, wherever a deletion is made, the title "property valuation administrator".

HB 447, AN ACT relating to state income tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 141.215 is amended to read as follows:

(1) Every person on active service with the United States Army, Navy, Marines, Air Force, or nursing Service of the United States Government *shall not be required to file returns or pay any income taxes while on active service.* [who is required by law to file an income tax return and pay income taxes to the State of Kentucky shall not be required to file such return and pay such taxes, which would otherwise become due during such period of service, until twelve months after the termination of the national emergency, or twelve months after the termination of his period of military service, whichever is the earlier.

(2) The provisions of this section shall be effective for returns due for all taxable years beginning on or after January 1, 1951.]

Committee Amendment to **HB 447** is as follows:

Amend printed copy of House Bill 447 on page 1, line 5, by:

adding after the word "taxes" the words "on service derived income"

HB 521, AN ACT relating to payment of taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) Tax bills shall be payable in January after the same are listed with the tax receiver for collection, and shall become delinquent on May 1, of the year for which they are made out.

(2) The taxes paid before May 1 in the year for which they are made out may be reduced by discounts not to exceed three percent during such periods and in such amounts as the legislative body of the city may provide by ordinance.

(3) All tax bills uncollected in whole or in part on May 1 next succeeding the day on which they were listed with the tax receiver shall thereafter bear interest at the rate of one-half of one

percent for every month or fraction thereof from May 1 until paid or until the property of the delinquent has been sold for the tax.

(4) On July 1 next succeeding the day on which the tax bills were listed with the tax receiver, a penalty of ten percent of the face of the bill shall be added to all unpaid tax bills, in addition to the interest.

(5) When any person desires to pay taxes on any separate parcel of real estate and its improvements in a tax bill, he shall be allowed to do so, and shall be given a receipt showing the date and the amount of payment, the number of tax bill, the name of the person against whom the tax bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill and the city's lien shall thereupon stand released as to that property, but the tax bill shall not be surrendered until paid in full.

Section 2. Section 91.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fee simple of all lands, in a city of the first class, and the full term and renewal of every leasehold carrying with it the value of the improvements thereon, shall be subject, from and after the assessment date each year, to a lien for the city taxes to be assessed theron for the succeeding year, *except as provided in KRS 91.430.* The lien shall be superior to homestead right and to all encumbrances, whether made before or after that date, except state taxes, and shall take precedence of dower, courtesy, remainders, revisions and other future estates.

(2) From the beginning of any action to collect taxes against real property, a lien for each tax bill assessed against the same owner or set of joint owners shall also arise upon every tract of land or improvement still owned by him or them, with a view to the sale of less than all the tracts for the entire tax bill, subject to such marshaling of burdens as against third parties as the rules of equity require. The court may allow a purchaser or encumbrancer to release any tract from the tax lien thereon, by paying its share of the tax, interest and costs.

(3) The tax lien on real property provided for by this sec-

tion shall attach though, through error in the proceedings, the tax bill is unenforceable, in which case the lien reaching back to the date named shall support the claim of the city for any taxes imposed afterward for the year in question under any curative Act of the General Assembly.

(4) The city shall have a lien on personal property as provided in the case of real property for its taxes.

Section 3. Section 92.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) Taxes in cities of the second, third and fourth classes shall be due and payable as follows:

(a) Ad valorem taxes in cities of the second class, one-half on June 1 and one-half on October 1.

(b) All city taxes in cities of the third class, as soon as the tax bills come into the hands of the collector.

(c) All city taxes in cities of the fourth class, on July 1; but the city legislative body may provide, by ordinance enacted on or before July 1, that all ad valorem taxes shall be due and payable in two installments, one-half on July 1 next after the assessment date and one-half on December 1, in which case, if the first installment is not paid on or before August 1, both installments shall be deemed to have become due and payable on July 1.

(2) In cities of the second class, taxpayers owing ad valorem taxes shall pay them, without demand therefor, at the treasurer's office. The taxpayer may pay the whole tax at any time after the tax bills have been made out and delivered to him. The city legislative body may provide by ordinance that taxes paid during the month of April in the year in which they are due and payable may be reduced by a discount of three percent, and taxes paid during the month of May, in that year may be reduced by a discount of two percent. Taxes not paid within one calendar month after they are due shall be deemed delinquent and shall have added to them a penalty of ten percent, and shall thereafter bear interest at the rate of one-half of one percent for each month or fraction of a month until paid, or until the property of the de-

linquent has been sold for the tax. When taxes are paid the treasurer shall note on the stub of the bill the amounts paid and the date thereof, and shall deliver the receipted bill, countersigned by the auditor, to the taxpayer. When any person desires to pay taxes on any *separate parcel* [one item] of real estate *and its improvements* in a tax bill he shall be allowed to do so, [if the city's interest will not be prejudiced thereby,] and shall be given a receipt showing the date and the amount of the payment, the number of the tax bill, the name of the person against whom the tax bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill and the stub, and the city's lien shall thereupon stand released as to that property, but the tax bill shall not be surrendered until paid in full.

(3) The common council of each city of the third class may provide by ordinance such discounts for prompt payment and penalties for late payment of taxes as it deems proper. All taxes owed to such cities shall bear interest at six percent per annum from October 1 of each year. The common council shall not refund to any person any taxes lawfully collected, nor extend the time for the payment of taxes, nor release any penalty incurred by nonpayment of taxes.

(4) The legislative body of each city of the fourth class may provide, by ordinance enacted on or before July 1, that:

(a) Any taxpayer may pay at any time, and the collector shall receive, an amount in even dollars as part payment or advance payment of taxes; a discount of six percent per annum, from the date of payment until the date when the taxes would have become due and payable, shall be allowed on all taxes paid in advance.

(b) All taxes remaining unpaid on the first day of the month following that in which they became due and payable shall be deemed delinquent, and shall bear interest at the rate of six percent per annum from the due date until paid; a penalty of six percent on the taxes so delinquent shall be paid, except when all installments are paid in full on or before December 1.

(5) When any city of the fourth class gives effect by ordinance to the provisions of subsection (4) and paragraph (c) of

subsection (1) of this section, all statutes inconsistent with such provisions shall not apply *except the provisions of subsection (7).*

(6) When a city of the fourth class does not give effect by ordinance to the provisions of subsection (4) and paragraph (c) of subsection (1) of this section, all tax bills remaining in the hands of the collector or treasurer on November 1 in each year, unpaid, shall be endorsed by him "Delinquent," and returned to the city clerk, and such bills found in the tax list returned by the clerk to be unpaid shall be credited to the collector or treasurer on his receipt. The city clerk shall thereupon proceed to attach to each tax bill the penalty prescribed by ordinance, not exceeding twenty-five percent, and such interest as is provided by ordinance, and shall then deliver the tax bills to the collector and take his receipt therefor.

(7) When any person desires to pay taxes in cities of the second, third or fourth class on any separate parcel of real estate and its improvements in a tax bill, he shall be allowed to do so, and shall be given a receipt showing the date and the amount of payment, the number of the tax bill, the name of the person against whom the tax bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill, and the city's lien shall thereupon stand released as to that property, but the tax bill shall not be surrendered until paid in full.

Section 4. Section 134.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) All state, county, and district taxes, except as otherwise provided by law, shall be due and payable on September 15 following the assessment; except that all taxes in any year on unmanufactured tobacco, money in hand, or money on deposit outside this state, shall be due and payable on the second succeeding September 15 following the assessment, unless otherwise provided by law.

(2) Any taxpayer who pays his state, county, or district taxes by November 1 after they become due in any year shall be entitled to two percent discount thereon, and the sheriff shall allow the discount and give a receipt in full to the taxpayer. The

sheriff may, at any time after the taxes mentioned in this section become due, receive less than the face amount of the tax bill as a credit on the amount due, including the amount of any penalties then due; and every such payment shall be credited upon the tax bill or upon sheets annexed thereto for that purpose, and acknowledged in writing or by a rubber stamp, indicating the amount so paid to the sheriff. *When any person desires to pay taxes on any separate parcel of real estate and its improvements in a tax bill, he shall be allowed to do so, and shall be given a receipt showing the date and the amount of payment, the number of the tax bill, the name of the person against whom the tax bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill and the lien for taxes shall thereupon stand released as to that property, but the tax bill shall not be surrendered until paid in full.*

(3) All state, county, and district taxes, except as otherwise provided by law, shall become delinquent on January 1 following their due date.

(4) Any taxes which are not paid by the date when they become delinquent shall be subject to a penalty of six percent on the taxes due and unpaid; except that taxes which became delinquent on January 1 shall be subject to a penalty of only two percent on the taxes due and unpaid, if paid on or before the last day of January. The sheriff shall collect the penalty and account for it as he is required to collect and account for taxes.

Section 5. Section 134.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) All personal property owned by a delinquent taxpayer shall be subject to distraint, and all property owned by him shall be subject to levy and sale by the proper collecting officer at any time from February 1 after the tax claim becomes delinquent until the tax claim is barred by limitations, unless otherwise provided by law.

(2) When any taxpayer becomes delinquent in the payment of a tax bill covering any property assessed by the county tax commissioner or the county board of supervisors, or any

omitted property irrespective of by whom assessed, the sheriff shall first distrain a sufficient quantity of the delinquent's personal property in the county to pay the tax claim, and a necessary part of this property shall be sold as under execution for cash. For failure to first distrain and sell personal property, the sheriff shall be liable for the tax claim represented by the tax bill, but receipt of a quietus for the tax bill shall preclude such liability. Neglect on the part of the sheriff to first distrain and sell personal property shall not affect the validity of the sale of the tax claim, or the lien or the rights of any purchaser thereof. If personal property sufficient to satisfy the tax claim cannot be found in the county, the sheriff shall sell so much of the personal property as is found and enter proper credit on the tax bill.

(3) If no personal property is found, or the amount found is insufficient, a notation to that effect shall be entered on the tax bill. The sheriff shall, after entering this notation on the tax bill, advertise and offer for sale the tax claims of the state, county, and other taxing districts, if there is any real property subject to the lien provided in subsection (1) of KRS 134.420 *except as provided in KRS 134.020.*

(4) No sheriff shall knowingly sell a tax claim on the same tract of land more than once for the same tax.

Committee Amendment to **HB 521** is as follows:

Amend printed copy of House Bill 521 on pages 2, 4, 6 and 7, by:

on page 2, line 7, striking the words "When any person" and inserting the words "When a person has acquired title to a parcel of real estate subsequent to the assessment date thereof and" and by striking the word "any" and inserting the word "that";

on page 4, line 20, striking the word "any" and inserting the word "a" and after the word "person" adding the words "has acquired title to a parcel of real estate subsequent to the assessment date thereof and" and on page 4, line 21, striking the word "any" and inserting the word "that";

on page 6, line 13, and page 7, line 14, striking the words "When any person" and inserting the words "When a person has

acquired title to a parcel of real estate subsequent to the assessment date thereof and"

HB 456, AN ACT relating to public health taxing districts.

WHEREAS, the County Health Departments of Kentucky are the first line of offense and defense in promoting the protection of our citizens from health hazards; and

WHEREAS, the County Health Departments have been forced to assume greater responsibility and activity than in the past; and

WHEREAS, County Health Departments require more personnel in order to function adequately; and

WHEREAS, the cost of County Health Department operations have increased; and

WHEREAS, many fiscal courts are unable to provide adequate funds to operate health departments; and

WHEREAS, some counties have established Public Health Taxing Districts and others have not; and

WHEREAS, there is a need to secure a more uniform and dependable system of financing local health departments to insure continuity of programs and services,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the intent of this Act, inter alia, to create a public health taxing district via operation of law in every county of the Commonwealth that has not heretofore created same except in counties containing cities of the first class.

Section 2. In all counties where a county or city-county health department has been established except in counties containing a city of the first class, and a public health taxing district has not been established pursuant to the provisions of KRS 212.720 to 212.740, a public health taxing district is hereby declared to be created upon the effective date of this Act. The

members of the county, city-county board of health shall, by virtue of their office, constitute and be the governing body of the public health taxing district and shall perform the duties attendant thereto in addition to their duties as members of the county, or city-county board of health. The officers of the county or city-county board of health shall be the officers of the public health taxing district.

Section 3. If, after the establishment of the public health taxing district as provided for in this Act, the tax levying authorities of the district, in the opinion of the county or city-county board of health, do not appropriate an amount sufficient to meet the public health needs of the county or the city-county health department or do not appropriate an amount sufficient to meet the standards prescribed by the State Department of Health for local health departments, the county or city-county board of health, acting as the governing body of the taxing district shall, with the approval of the State Department of Health, impose by resolution a special ad valorem public health tax in such amount that it deems sufficient, but not in excess of four cents per one hundred dollars of full value assessed valuation. The fiscal court shall upon receipt of a duly certified copy of said resolution, include in the next county ad valorem tax levy said special public health tax imposed by the county or city-county board of health which shall be in addition to all other county ad valorem taxes. Said special public health tax shall be collected in the same manner as are other county ad valorem taxes and turned over to the county or city-county board of health to be used solely for the maintenance and operation of the county, city-county, or district health department and as provided in KRS 212.740.

Section 4. Public health taxing districts heretofore organized pursuant to the provisions of KRS 212.720 to 212.740 or organized pursuant to this Act shall not be subject to the provisions of the compensation tax rate as defined by KRS 132.010 nor to any other provision of Chapter 141, 1964 Acts of the General Assembly nor to Chapter 2, 1965 First Extraordinary Session of the General Assembly; provided, however, that no public health taxing district shall impose a rate higher than four cents per one hundred dollars of full value assessed valuation.

Section 5. Nothing in this Act shall in any way abridge the rights of two or more counties from establishing a district health department.

Section 6. Section 212.730 of the Kentucky Revised Statutes is repealed.

Committee Amendment to **HB 456** is as follows:

Amend printed copy of House Bill 456 on page 3, lines 3, 7 and 11, by:

after the comma and before the word "impose", adding the words "request the fiscal court to" on line 3;

on line 7, by deleting the word "shall" and inserting the word "may";

and on line 11, by adding before the word "Said", the words "If levied by the fiscal court," and by striking the capital "S" in the word "Said" and inserting a small "s".

The Committee on Appropriations and Revenue reported **HB 125**, with Second Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

The Second Committee Substitute to **HB 125** is as follows:

Second Committee Substitute HB 125, AN ACT relating to the transfer of real property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 382 of the Kentucky Revised Statutes is created to read:

(1) As used in this Act:

(a) "Deed" means any instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction.

(b) "Sale price" means: (i) in the case of any deed not

a gift, the amount of the full actual consideration therefor, paid or to be paid, including the amount of any assumed lien or liens thereon; and (ii) in the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated price the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Section 2. A new section of Chapter 382 of the Kentucky Revised Statutes is created to read:

(1) Each deed evidencing a transfer of title shall recite the sale price of the property or there shall be filed with the county clerk a statement in duplicate, on forms supplied by the Department of Revenue, executed by the purchaser or his legal representative setting forth the names and addresses of the seller and purchaser, a description of the real property conveyed, the location of the real property, and the full consideration paid for the real property by the purchaser valued in money, including any assumed indebtedness. Statements together with any copies thereof filed under the provisions of this Act shall be available for inspection only by official representatives of governmental agencies.

(2) No county clerk or deputy county clerk shall admit to record a deed that does not (a) recite the sale price of the property or (b) have filed in connection therewith the statement required by Section 2 (1) of this Act.

Section 3. A new section of Chapter 382 of the Kentucky Revised Statutes is created to read:

(1) If a statement is filed the county clerk shall:

(a) Enter the deed book and page numbers on the copies of the statement;

(b) File the original of the statement in a special binder maintained in his office; and

(c) Forward the copy of the statement to the county tax commissioner.

(2) For his services in receiving and filing the statement required by Section 2 (1) of this Act the county clerk shall receive a fee of one dollar, to be paid by the party presenting the deed for recording; said fee to be in addition to the fee for recording deeds provided by KRS Chapter 64.

(3) If the sale price is recited in the deed, the county clerk shall furnish the county tax commissioner a report of real estate transfers as provided in KRS 132.480.

(4) The Department of Revenue may prescribe such rules and regulations as it deems necessary to carry out the purposes of this Act.

(5) Any county clerk who willfully accepts a deed for recording contrary to the provisions of this Act, upon conviction, shall be fined fifty dollars for each offense.

(6) Any person who shall present for recording a deed which contains a false statement of sale price, or who shall execute a statement, as provided by Section 2 (1) of this Act, which contains a false statement of sale price, shall, upon conviction, be subject to a fine of not more than five hundred dollars or to imprisonment of not more than one year, or to both such fine and imprisonment for each offense.

Section 4. A new section of Chapter 382 of the Kentucky Revised Statutes is created to read as follows:

Section 1 of this Act does not apply to an instrument:

(1) Executed prior to the effective date of this Act.

(2) Conveying title to the United States of America or any instrumentality, agency, or subdivision thereof.

(3) Conveying title to any political subdivision of the Commonwealth of Kentucky or any instrumentality or agency of any such subdivision.

(4) Executed solely to release of security for a debt or obligation.

(5) Confirming or correcting a deed previously recorded.

(6) Executed on sale for delinquent taxes or assessments,

(7) Executed to partition land.

(8) Constituting a lease for the purpose of exploring for oil or gas or any assignment of such lease.

(9) Granting an easement or right of way to any public service company.

(10) Executed pursuant to merger of corporation.

(11) Given by a subsidiary corporation to its parent corporation in consideration of cancellation or surrender of stock.

Section 5. An emergency is declared to exist and this Act shall become effective upon passage by the General Assembly and approval by the Governor.

The Committee on Cities reported **SB 45** with Committee Amendment attached thereto, **SB 96, SB 249, SB 192, SR 39, HB 355, HB 489, HB 469** and **HB 515** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 45, AN ACT relating to the extension and reduction of boundaries of cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 81.140 is amended to read:

Any city of the second class may annex any incorporated territory or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) The ordinance proposing annexation or reduction must be adopted by a two-thirds vote of the governing body of the city.

(2) The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

(3) The number of freeholders whose remonstrance will control the question of annexation or reduction shall be fifty per cent. *No freeholder of the territory to be annexed or stircken off shall be considered to have remonstrated unless said freeholder be joined as a party plaintiff in the proceedings in the circuit court within thirty (30) days after the enactment of the ordinance proposing to annex or to strike off such territory.*

(4) The circuit court may find and decree that only a part or parts of the territory proposed to be annexed shall be annexed, in which event the court shall specifically indicate and prescribe by metes and bounds, or other clear and specified description, the territory which the court finds should be annexed, and that part only shall be annexed.

(5) The Court of Appeals shall advance said case on its docket and it shall take precedence over other cases.

Committee Amendment to **SB 45** is as follows:

Amend printed copy of Senate Bill 45 on page 2, line 7, by: deleting the word "thirty (30)" and by inserting in lieu thereof the word "ninety (90)"

SB 96, AN ACT relating to council meetings in cities of the fifth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 87.030 of the Kentucky Revised Statutes is amended to read:

(1) The city council shall meet on the first Monday in January next succeeding the election of its members, and shall hold regular meetings once a month, at a time fixed by ordinance. Special meetings may be called at any time by the mayor or by three members, by written notice delivered at least three hours before the time specified for the proposed meeting. All meetings of the city council shall be held within the city limits, at a place designated by ordinance, *except that if there is no suitable meeting place available within the city limits the city legislative body may by ordinance designate as its meeting place a building outside the city limits which is both suitable and available for use*

as a meeting place and is closest to the city limits. All meetings [and] shall be public.

(2) At any meeting of the city council a majority of the members shall constitute a quorum, but a less number may adjourn from time to time, and may compel the attendance of absent members under penalties prescribed by ordinance.

(3) The mayor shall preside at all meetings of the council, and may vote in case of a tie. If the clerk is absent, the mayor shall appoint one of the members of the council clerk pro tem.

SB 249, AN ACT changing the classification of the City of Corydon in Henderson County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Corydon in Henderson County is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Corydon in Henderson County, is transferred from the sixth to the fifth class of cities.

SB 192, AN ACT relating to obstructing fire fighting operations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read:

(1) A person is guilty of obstructing fire fighting operations when he intentionally and unreasonably

(a) obstructs or impairs the efforts of any fireman in extinguishing a fire; or

(b) prevents or dissuades another from extinguishing or helping to extinguish a fire.

(2) Obstructing fire fighting operations is punishable by

imprisonment in jail for not more than twelve months, a fine not to exceed $500, or both.

SR 39, A CONCURRENT RESOLUTION recognizing the flag adopted by the Okolona Community Council as the official flag of Okolona community.

WHEREAS, the Okolona area of Jefferson County, Kentucky, has been the site of many events and happenings of importance in Kentucky and United States history, creating a rich heritage which the citizens of the community wish to preserve; and

WHEREAS, these citizens have evidenced a strong community spirit and a sincere interest in community identity; and

WHEREAS, it is well-known that a flag is the historically accepted symbol used by any group to signify their loyalty and devotion to the land they call home;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

1. That the flag adopted by the Okolona Community Council be recognized by this Assembly as the official flag of the unincorporated community of Okolona.

2. That the Clerk of the Senate send a copy of this resolution to the Okolona Community Council.

HB 355, AN ACT relating to police and firemen in cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read:

Members of the police and fire departments in cities shall abide by and adhere to the rules, regulations and laws set forth by the Kentucky Revised Statutes, and the legislative body of the city in which they are employed, provided that no such rule, regulation or law shall apply that alters, abridges or otherwise

restricts the constitutional rights of said members and said members, except when on duty, shall not be restrained from exercising their rights and privileges or from entering into any endeavor enjoyed by all other citizens of the city in which they reside.

HB 489, AN ACT providing for prosecuting attorneys pro tem in third class cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The prosecuting attorney in a city of the third class may appoint a standing prosecuting attorney pro tem who shall serve, at the will of the prosecuting attorney in the absence or disability of the prosecuting attorney. The prosecuting attorney pro tem shall exercise the same powers, perform the same duties, receive the same compensation pro rata, and have the same qualifications of the regular prosecuting attorney. The compensation of the prosecuting attorney pro tem shall not be deducted from the salary of the regular prosecuting attorney, unless he is required to serve more than thirty days in any calendar year.

HB 469, AN ACT relating to policemen and firemen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city legislative body in cities of the second and third classes shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for.

(2) Each member of the police or fire department in cities of the second and third classes shall be a qualified voter in the county containing the city of employment, able to read, write and understand the English language, and have such other qualifi-

cations as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a man of sobriety and integrity and is and has been an orderly, law-abiding citizen. In a city of the second class no person shall be appointed a member of either of such departments if he is over fifty years of age. *All firemen and policemen other than chiefs shall be considered as employes rather than officers for the purpose of residence requirements.*

(3) Members of the police and fire departments in cities of the second and third classes qualified under this section shall hold their positions during good behavior, except that the city legislative body may decrease the number of policemen or firemen as it may deem proper.

(4) If the city legislative body of a city of the second or third class decreases the number of policemen or firemen, the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.

HB 515, AN ACT relating to city and county recreational, tourist and convention commissions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) For the purpose of promoting convention and tourist activity in counties containing cities of the first class, such counties and the cities located therein, either jointly or by separate action, are authorized to establish tourist and convention commissions.

(2) For the purpose of promoting recreational convention and tourist activity in counties containing cities other than cities of the first class, such counties and the cities located therein, either jointly or by separate action, are authorized to establish recreational, tourist and convention commissions.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Commission shall be composed of seven members to be appointed by the mayor of the largest city in the county and the county judge, jointly, in the following manner:

(a) Two commissioners from a list submitted by the local city Hotel and Motel Association.

(b) One commissioner from a list submitted by the local county Hotel and Motel Association, provided that if only one local hotel and motel association exists which covers both the city and county, then three commissioners shall be appointed from a list submitted by it.

(c) One commissioner from a list submitted by the local Restaurant Association or Associations.

(d) One commissioner from a list submitted by the Chamber of Commerce of the largest city in the county.

(e) One commissioner by the mayor of the largest city in the county.

(f) One commissioner by the county judge.

(2) Vacancies shall be filled in the same manner that original appointments are made.

(3) The commissioners shall be appointed for terms of three years, provided, that in making the initial appointments, the mayor and county judge shall appoint two commissioners for a term of three years, two commossioners for a term of four years and three commissioners for a term of one year.

(4) The Commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purposes of this Act.

(5) The books of the commission shall be audited by an independent auditor who shall make a report to the Commission, to the organizations submitting names from which Commission members are selected and to the mayor and the county judge.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Commission shall annually submit to the local governing body or bodies which established it a request for funds for the operation of the Commission for the ensuing year. The local governing body or bodies shall include the Commission in the annual budget and shall provide funds for the operation of the Commission by imposing a transient room tax, not to exceed three percent of the rent for every occupancy of a suite, room or rooms, charged by all persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses. Provision shall be made for the collection of the tax and the enforcement of the tax measure enacted.

(2) Money collected from the imposition of this tax shall be used solely for the purposes set forth in Section 1 of this Act and in a first class city or a county containing such a city shall not be used for real property capital expenditures or to provide a subsidy in any form to any hotel, motel or restaurant. Money not expended by the commission during any fiscal year shall be used to make up a part of the Commission's budget for its next fiscal year.

(3) The Commission may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the transient room tax, but shall not borrow a sum greater than can be repaid out of the revenue anticipated from the transient

room tax during the year in which the money is borrowed. The Commission may pledge its securities to secure the repayment of any sum so borrowed.

The Committee on Elections and Constitutional Amendments reported **HB 81, HB 143, SB 173** and **HB 345** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 81, AN ACT relating to campaign contributions and expenditures in elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 123.086 of the Kentucky Revised Statutes is amended to read as follows:

(1) During the period between the date of appointment of the campaign treasurer and the election, each candidate shall report to his campaign treasurer on Monday of each third week, upon a form prescribed by the registry, all expenditures made, incurred or authorized by the candidate for travel expenses during the preceding period up to and including the previous Friday.

(2) Reports shall be made as follows:

(a) State and county executive committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source since the date of the last report, including the name and address of each person or group contributing more than $500, the amount contributed by each and the date of the contribution.

1. Quarterly as of March 31, June 30, September 30, December 31, and within ten days of these closing dates, and

2. The final report during the campaign, containing all contributions received since the last report, shall be made as of the seventh day preceding the date of the primary or general election and shall be filed no later than noon of the fifth day preceding said election. The final report shall be filed thirty days after the election.

(b) Each campaign treasurer shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received by him or any deputy campaign treasurer from any source, since the date of the last report, including the name and address of each person or group contributing more than $500, the amount contributed by each and the date of the contribution,

1. Within seven days after his appointment, and

2. On the 4th Monday preceding a primary or general election, as of the preceding Friday,

3. The final report during the campaign, containing all contributions received since the last report, shall be made as of the seventh day preceding the date of the primary or general election and shall be filed no later than noon of the fifth day preceding said election. The final report shall be filed fifteen days after the election.

(c) Subsection (2) (b) 1 does not apply to state and county executive committees.

(d) In making the preceding reports, proceeds from the sale of tickets for events such as dinners, luncheons, rallies and similar fund raising events, mass collections made at such events, and sales of items such as campaign pins, button, hats, ties, literature and similar materials, *the campaign treasurer shall report to the registry the items purchased and the full amount paid by any person or group which expends more than $500 in the*

purchase of such items. All groups, such as committees, labor unions, businesses, unincorporated associations, and other groups, that purchase such items shall be plainly identified. [the total gross receipts from each category shall be listed.] The operational costs of the headquarters of a State Central Committee not directly related to an election need not be reported.

(e) The foregoing reports shall contain a complete statement of all expenditures authorized, incurred, or made, by the person or committee submitting the report.

(3) All reports required by KRS 123.005, 123.051 to 123.101 and 123.991 shall be open to the public for inspection.

(4) If a candidate is unopposed in a primary or election after the time prescribed by law for qualifying for nomination or election to the office, then his obligation to file the reports required by KRS 123.005, 123.051 to 123.101 and 123.991 shall cease, but he may continue to file such reports voluntarily if he so chooses. A candidate who is opposed but receives no contribution or makes no expenditures shall so report on the dates designated in subsection (2) (b) 2., and file all reports required by KRS 123.005, 123.051 to 123.101 and 123.991.

HB 143, AN ACT relating to campaign contributions and expenditures in elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 123.051 is amended to read:

The provisions of KRS 123.005, 123.051 to 123.101 and 123.991 shall apply to all candidates running for public office in any primary or general election, or in any special election to fill a vacancy, except those candidates running for Judge of the

Court of Appeals, Circuit Judge, Boards of Education, county and local district offices filled by less than a countywide constituency and offices in cities of the third, fourth, fifth and sixth class.

[(1) The provisions of KRS 123.005, 123.051 to 123.101 and 123.991 shall apply in all partisan primary or general elections held in the Commonwealth of Kentucky.

(2) The provisions of KRS 123.005, 123.051 to 123.101 and 123.991 shall not apply in any election for any public office which is elected by less than a countywide constituency, except as provided in subsection (3) and (4) of this section. Neither shall the provisions of KRS 123.005, 123.051 to 123.101 and 123.991 apply in any election for the office of circuit judge or Judge of the Court of Appeals.

(3) The provisions of KRS 123.005, 123.051 to 123.101 and 123.991 shall apply in all partisan primary and general elections held in cities of the first, second, or third class.

(4) The provisions of KRS 123.005, 123.051 to 123.101 and 123.991 shall apply in all elections for the Kentucky General Assembly and for the Congress of the United States.

(5) The provisions of KRS 123.005, 123.051 to 123.101 and 123.991 shall apply to any election held to fill a vacancy for any public office covered under subsections (1), (3) and (4) of this section.]

Section 2. KRS 123.061 is amended to read:

(1) The registry shall appoint a full time executive and such other employes as are necessary to provide the service to carry out all purposes of KRS 123.005, 123.051 to 123.101 and 123.991, including an attorney or attorneys on a full or part time basis.

(2) The registry shall adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 123.005, 123.051 to 123.101 and 123.991. The registry is authorized and empowered to:

(a) Develop prescribed forms for the making of the required reports;

(b) Prepare and publish a manual for all candidates and committees, describing the requirements of the law, including uniform methods of bookkeeping and reporting;

(c) Develop a filing, coding and cross-indexing system;

(d) Permit copying or photocopying of any report as requested by any person;

[(e) Preserve all reports for at least ten years from date of receipt;]

(e) [(f)] Prepare and make available for public inspection a summary of all reports grouped according to candidates and parties, containing the total receipts and expenditures, and the date, name, address and amount contributed by each contributor, listed alphabetically, shown to have contributed $500.00;

(f) [(g)] Prepare and publish an annual report with cumulative compilations named in paragraph *(e)* [(f)] above;

(g) [(h)] Distribute upon request, for a nominal fee, copies of all summaries and reports;

(h) [(i)] Ascertain whether candidates, committees or others have failed to file reports or have filed defective reports, give notice to delinquents to correct or explain defections, make available for public inspection a list of such delinquents;

(i) [(j)] Hold public hearings, investigate any violations in reporting, and issue subpoenas for the production of documents and the attendance of witnesses.

(3) Promptly after the final date for filing statements and reports the registry shall notify all persons who have become delinquent in filing the same, and shall make available a list of such delinquents for public inspection. The registry shall also report to the Attorney General and the Commonwealth Attorneys such list.

Section 3. KRS 123.071 is amended to read:

(1) Each candidate shall designate a campaign treasurer and a campaign depository at the time and with the office he files as a candidate on a duplicate form prescribed and furnished by the registry and until this requirement is met his qualifications as a candidate shall not be complete and his filing papers shall not be accepted by the office with which he is required to file. The office with which the candidate is required to file shall immediately forward to the registry the duplicate copy of the completed form designating the candidate's campaign treasurer and depository and shall attach the original to the candidate's filing papers. The candidate may appoint himself or any other registered voter in Kentucky as his campaign treasurer and may designate any bank authorized by law to transact business in Kentucky as his campaign depository.

[(1) Each candidate in an election shall appoint one campaign treasurer and shall designate a campaign depository on or before the date of public announcement of his candidacy or on the date he files as a candidate, whichever is sooner. The candidate may appoint himself or any other registered voter in Kentucky as his campaign treasurer and may designate any bank authorized by law to transact business in Kentucky as his campaign depository. The candidate shall file the name and ad-

dress of the campaign treasurer and the campaign depository with the registry, and his qualification shall not be complete until he has met this requirement.]

(2) A candidate may appoint deputy campaign treasurers and may designate one additional campaign depository in each county in which the campaign is conducted. The candidate shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the registry.

(3) A candidate may remove a campaign treasurer or deputy campaign treasurer at any time.

(4) In the case of the death, resignation or removal of a campaign treasurer the candidate shall within three days after receiving notice thereof by certified or registered mail appoint a successor and shall file his name and address with the registry. The candidate shall be disqualified if he fails to meet this filing requirement.

(5) A person may serve as campaign treasurer or deputy campaign treasurer for more than one candidate, but all reports must be made separately for each individual candidate.

(6) The candidate may pay a campaign treasurer and his deputy campaign treasurers a salary for their services which shall be considered a campaign expense and must comply with the reporting provisions of KRS 123.005, 123.051 to 123.101 and 123.991 and those developed by the registry.

Section 4. KRS 123.086 is amended to read:

(1) State and county executive committees shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received from any source since the date of the last report, including the name and address of each person or group contributing more than $500, the amount con-

tributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. This report shall be made to the registry thirty days after the elections.

(2) Each campaign treasurer shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received by him or any deputy campaign treasurer from any source, since the date of the last report, including the name and address of each person or group contributing more than $500, the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made.

(a) On the 4th Monday preceding an election, as of the preceding Friday, including all previous contributions and expenditures.

(b) As of the seventh day preceding the date of the election and shall be filed on the fifth day preceding said election.

(c) Thirty days after the election.

(d) In making preceding reports, proceeds from the sale of tickets for events, such as dinners, luncheons, rallies and similar fund raising events, mass collections made at such events, and sales of items such as campaign pins, buttons, hats, ties, literature and similar materials, the total gross receipts from each category shall be listed.

[(1) During the period between the date of appointment of the campaign treasurer and the election, each candidate shall report to his campaign treasurer on Monday of each third week, upon a form prescribed by the registry, all expenditures made, incurred or authorized by the candidate for travel expenses during the preceding period up to and including the previous Friday.

(2) Reports shall be made as follows;

(a) State and county executive committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source since the date of the last report, including the name and address of each person or group contributing more than $500, the amount contributed by each and the date of the contribution.

1. Quarterly as of March 31, June 30, September 30, December 31, and within ten days of these closing dates, and

2. The final report during the campaign, containing all contributions received since the last report, shall be made as of the seventh day preceding the date of the primary or general election and shall be filed no later than noon of the fifth day preceding said election. The final report shall be filed thirty days after the election.

(b) Each campaign treasurer shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received by him or any deputy campaign treasurer from any source since the date of the last report, including the name and address of each person or group contributing more than $500, the amount contributed by each and the date of the contribution.

1. Within seven days after his appointment, and

2. On the 4th Monday preceding a primary or general election, as of the preceding Friday.

3. The final report during the campaign, containing all contributions received since the last report, shall be made as of the seventh day preceding the date of the primary or general election and shall be filed no later than noon of the fifth day preceding said election. The final report shall be filed fifteen days after the election.

(c) Subsection (2) (b) 1 does not apply to state and county executive committees.

(d) In making the preceding reports, proceeds from the sale of tickets for events, such as dinners, luncheons, rallies and similar fund raising events, mass collections made at such events, and sales of items such as campaign pins, buttons, hats, ties, literature and similar materials, the total gross receipts from each category shall be listed. The operational costs of the headquarters of a State Central Committee not directly related to an election need not be reported.

(e) The foregoing report shall contain a complete statement of all expenditures authorized, incurred or made, by the person or committee submitting the report.]

(3) All reports required by KRS 123.005, 123.051 to 123.101 and 123.991 shall be open to the public for inspection.

(4) If a candidate is unopposed in *an* [a primary or] election after the time prescribed by law for qualifying for nomination or election to the office, then his obligation to file the reports required by KRS 123.005, 123.051 to 123.101 and 123.991 shall cease, but he may continue to file reports voluntarily if he so chooses. *A candidate is considered unopposed if no opposing candidate is listed on the official ballot.* A candidate who is opposed but receives no contribution or makes no expenditures shall so report on the dates designated in subsection (2) [(b)2.,] and file all reports required by KRS 123.005, 123.051 to 123.101 and 123.991.

Section 5. KRS 123.091 is amended to read:

Within thirty days after the election, each campaign depository of a candidate or registered committee, shall file with the registry copies of statements of all deposits and all withdrawals of the candidate's campaign fund account.

[Within fifteen days after the election, each campaign depository of a candidate or registered committee, shall file with the registry, originals, or true copies of all statements filed by the treasurers regulations adopted by the registry upon which funds were withdrawn from the accounts designated as campaign accounts.]

Section 6. KRS 123.095 is amended to read:

(1) No contributions of money or other thing of value, nor obligations therefor, shall be made, and no expenditure of money or other thing of value, nor obligation therefor, shall be made or incurred in excess of $100.00, directly or indirectly anonymously, in a fictitious name, or by a person or group in the name of another, to support or defeat a candidate in an election.

(2) *All circulars, statements, articles, advertisements, billboards, handbills, paid for television and radio announcements and other communications with reference to or intended for, the support or defeat of a candidate or group of candidates for nomination or election to any public office shall be identified by the words "paid for by" followed by the name and address of the author or writer, or the committee, organization or association and its treasurer, on whose behalf the communication appears.*

[(2) All advertisements, billboards, handbills, paid for television and radio announcements and other communications intended to support or defeat a candidate shall be signed or identified by the words "paid for by" followed by the name and address of the committee and the treasurer on whose behalf the communication appears.]

(3) The management of newspapers and magazines shall keep a one year record of all statements, articles, advertisements or other communications referred to in subsection (2) of this section, that appear in their publications, however, nothing in sub-

section (2) of this section shall be construed to require editors or editorial writers of newspapers and magazines to identify themselves in the manner therein required with any article or editorial written by them as part of their duties as an employe or employer.

Section 7. KRS 123.101 is amended to read:

The registry is required [by KRS 123.005, 123.051 to 123.101 and 123.991] to securely keep all reports filed for *four* [ten] years. Duly certified reports shall be admissible as evidence in any state court.

Section 8. KRS 123.991 is amended to read:

(1) Any person who violates a provision of KRS 123.005 or 123.051 to 123.101 is guilty of a misdemeanor and shall be punishable by a fine not exceeding $1,000 or by imprisonment for not more than one year, or both. Violations shall include but shall not be limited to any of the following acts or omissions:

(a) Failure to make required reports or to file reports at times specified;

(b) Making any false statement or report;

(c) Giving money under a fictitious name;

(d) Making any communication to support or defeat a candidate without identification or sponsorship.

(2) The nomination for, or election to, an office of any candidate who violates any provision of KRS 123.005, 123.051 to 123.101 and 123.991, or whose campaign treasurer or any deputy campaign treasurer violates a provision of KRS 123.005, 123.051 to 123.101 and 123.991, with such candidate's knowledge, shall be void, and the office or candidacy shall be filled as provided by law for the filling of a vacancy.

(3) Any registered voter may sue to declare a vacancy for noncompliance with the provisions of KRS 123.005, 123.051 to 123.101 and 123.991.

[(3) Promptly after the final date for filing statements and reports the registry shall notify all persons who have become delinquent in filing the same, including contributors, and shall make available a list of such delinquents for public inspection. The registry shall also report to the Attorney General and the Commonwealth Attorneys such list.]

[(4) Any registered voter may sue for injunctive relief to compel compliance with the provisions of KRS 123.005, 123.051 to 123.101 and 123.991.]

[(5)] *(4)* Prosecution for violation of any provision of KRS 123.005, 123.051 to 123.101 and 123.991, shall not be commenced after one year has elapsed from the date of the violation.

Section 9. KRS 123.130 and 123.992 are repealed.

SB 173, AN ACT proposing an amendment to the Constitution of Kentucky making exceptions to taxation's principle of uniformity of both rate and valuation for the class of property including the surface of land.

WHEREAS, the principal of uniformity in ad valorem taxation includes both assessment at fair cash value and taxation at a uniform rate upon all property of the same class subject to taxation within the territorial limits of the authority levying the tax, and

WHEREAS, the mixed character of land used in regions predominantly agricultural or suburban within various taxing districts produces substantial inequity when principle of uniformity is applied without exceptions.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Constitution of Kentucky is amended by adding thereto the following new sections:

Section 172A. Notwithstanding contrary provisions of Sections 171, 172, or 174 of this Constitution—

The General Assembly shall provide by general law for the

assessment for ad valorem tax purposes of agricultural and horticultural land according to the land's value for agricultural or horticultural use. The General Assembly may provide that any change in land use from agricultural or horticultural to another use shall require the levy of an additional tax not to exceed the additional amount that would have been owing had the land been assessed under Section 172 of this Constitution for the current year and the two next preceding years.

The General Assembly may provide for reasonable differences in the rate of ad valorem taxation within different areas of the same taxing districts on that class of property which includes the surface of the land. Those differences shall relate directly to differences between non-revenue-producing governmental services and benefits giving land urban character which are furnished in one or several areas in contrast to other areas of the taxing district.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution of Kentucky and under KRS 118.170 and 118.430.

HB 345, AN ACT relating to voting machines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this act, unless the context requires otherwise:

(a) "Automatic tabulating equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots or ballot cards and tabulate the results.

(b) "Ballot card" means a tabulating card on which votes may be recorded by means of punching or marking.

(c) "Ballot labels" means the cards, papers, booklet, pages or other material containing the names of offices and candidates and the statements of measures to be voted on, which are placed on the voting device.

(d) "Ballot" means a paper ballot on which votes are recorded, or alternatively may mean ballot cards and ballot labels.

(e) "Counting center" means one or more locations selected by the board of elections for the automatic counting of ballots.

(f) "Electronic voting system" means a system in which votes are recorded on a paper ballot or ballot cards by means of marking or punching, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting centers.

(g) "Voting device" means an apparatus which the voter uses to record his votes by marking or punching a hold in a paper ballot or tabulating card, which votes are subsequently counted by electronic tabulating equipment.

(h) "Fiscal court" means a fiscal court of a county containing a city of the first or second class.

Section 2. (a) The fiscal court of any county containing a city of the first or second class, in lieu of or in addition to any voting machines now authorized by law, may adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any electronic voting system herein authorized, and may use such system in all or a part of the precints within its boundaries, or in combination with paper ballots or with other voting machines in any election or primary. It may enlarge, consolidate or alter the boundaries of precincts where an electronic voting system is used. The fiscal court, on the adoption and acquisition of an electronic voting system, shall provide for the payment therefor in such manner as they deem for the best interest of the locality.

(b) The provisions of this act shall be controlling with respect to elections where electronic voting systems are used, and shall be liberally construed so as to carry out the purpose of this act. The provisions of KRS Chapter 118 relating to the conduct of elections with paper ballots, insofar as they are applicable and not inconsistent with the efficient conduct of elections with electronic voting systems, apply.

Section 3. Every electronic voting system, consisting of a marking or voting device in combination with automatic tabulat-

ing equipment, acquired or used in accordance with this article, shall:

(a) Provide for voting in secrecy when used with voting booths, except in the case of voters who have received assistance as provided by law;

(b) Permit each voter to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote; to vote for as many persons for an office as he is entitled to vote for; to vote for or against any question upon which he is entitled to vote; and the automatic tabulating equipment shall reject choices recorded on his ballot card or paper ballot if the number of choices exceeds the number which he is entitled to vote for the office or on the measure;

(c) Permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and their presidential electors;

(d) Permit each voter, at other than primary elections, to vote for the nominees of one or more parties and for independent nominees;

(e) Permit each voter to vote for candidates in the primary in which he is qualified to vote, and reject any votes cast for candidates of another party;

(f) Prevent the voter from voting for the same person more than once for the same office;

(g) Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

(h) Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted;

(i) When properly operated, record correctly and accurately every vote cast;

(j) Be provided with a mechanical model for instructing voters, and be so constructed that a voter may readily learn the method of operating it;

(k) Be safely transportable, and include a light to enable voters to read the ballot labels and instructions.

Section 4. No voting device or automatic tabulating equipment used in conjunction therewith to count and tabulate ballots shall be used in election in this state unless in combination they meet the requirements of Section 3, and have been approved by the fiscal court. The fiscal court may employ engineers and other skilled persons to advise and aid in the selection of the equipment and in determining the specifications thereof. When such device or equipment has been approved, any improvement or change which does not impair its accuracy, efficiency, or ability to meet such requirements shall not require a re-examination or reapproval thereof. Insofar as they are applicable, the provisions of KRS Chapter 125 relating to the examination and approval of voting machines shall apply to electronic voting systems.

Section 5. (a) Ballots and ballot labels shall, as far as practicable, be in the same order of arrangement as provided for paper ballots, except that such information may be printed in vertical or horizontal rows, or in a number of separate pages which are placed on the voting device.

(b) Ballot labels shall be printed in plain clear type in black ink and, except in primary elections, upon clear white materials, of such size and arrangement as to fit the construction of the voting device. For primary elections said ballot labels may be printed upon clear white material or material of different colors, in the discretion of the board of election commissioners. Arrows may be printed on the ballot labels to indicate the place to punch the ballot card, which may be to the right or left of the name or proposition.

(c) The titles of offices may be arranged in vertical columns or in a series of separate pages, and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one column or on one ballot page, the ballot or ballot label shall be clearly marked that the list of candidates is continued on the following column or page, and so far as

possible, the same number of names shall be printed on each column or page.

(d) The names of candidates for each office shall be printed in vertical columns or on separate pages, grouped by the offices which they seek. In partisan elections the party designation of each candidate, which may be abbreviated, shall be printed following his name.

(e) The ballot shall include provision whereby the voter may by one mark or punch record a straight party ticket vote for all candidates of one party.

(f) Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided as required by law. At least three copies shall be posted in each polling place on election day. Sample ballots may be printed on a single page or on a number of pages stapled together.

(g) In elections in which voters are authorized to vote for persons whose names do not appear on the ballot, a separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the voter places his ballot card after voting, shall be provided if required to permit voters to write in the title of the office and the names of persons whose names are not on the ballot, for whom he wishes to vote.

Section 6. (a) The county board of election commissioners shall provide voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot cards, "write-in" ballots and other supplies as required. Each ballot card shall have an attached perforated stub on which is printed a serial number, which shall be removed before the ballot card is deposited in the ballot box. The precinct number, and, in primary elections, the party designation shall be printed on each ballot card.

(b) Prior to any election at which electronic voting devices are used the board of election commissioners shall have the voting devices prepared for the election and the members of the board in the presence of representatives of the two major political parties shall direct the final inspection and sealing of the voting devices before they are delivered to the election officers.

(c) The board of election commissioners shall have delivered to each polling place a sufficient number of voting booths and voting devices for each voting district or precinct. The voting booths shall be durably constructed and shall be so designed as to enable the voter to mark his ballot in secrecy.

Section 7. Prior to elections the board of election commissioners shall instruct the precinct election officers in their duties. It shall prior to elections place voting devices on public display at such times and places as it may determine for the education of voters in their use.

Section 8. (a) Thirty minutes before the opening of the polls the precinct election officers shall arrive at the polling place and set up the voting booths so that they will be in clear view of the election officers, open the voting devices, place them in the voting booths, and examine them to see that they have the correct ballot labels by comparing them with the sample ballots, and are in proper working order. They shall open and check the ballots, ballot cards, supplies, records and forms, and post the sample ballots and instructions to voters.

(b) Each voter shall be instructed how to operate the voting device before he enters the voting booth. If he needs additional instruction after entering the voting booth, two election officers may if necessary enter the booth and give him such additional instructions.

(c) Any voter who spoils his ballot or ballot card may return it and secure another. The word "Spoiled" shall be written across the face of the ballot and it shall be placed in the envelope for spoiled ballots.

(d) Where ballot cards are used, the voter, after he has marked his ballot card, shall, before leaving the voting booth, place the ballot card inside the envelope provided for this purpose, with the stub extending outside the envelope, and return it to one of the judges of election, who shall remove the stub and return the ballot card to the voter who shall deposit the envelope with the ballot card inside in the ballot box. No ballot from which the stub has been detached shall be accepted by the

judge in charge of the ballot box, but it shall be marked "SPOILED" and placed with the spoiled ballots.

(e) As soon as the polls have been closed and the last qualified voter has voted, the voting or marking devices shall be sealed against further voting. All unused ballots or ballot cards shall be placed in a container and sealed for return to the board of elections.

(f) The precinct election officers shall prepare a report in duplicate of the number of voters who have voted, as indicated by the poll list, and shall place this report in the ballot box, which thereupon shall be sealed with a paper seal signed by the election officers so that no additional ballots may be deposited or removed from the ballot box. Two election officers of different political parties shall forthwith deliver the ballot box to the counting center or other designated place and receive a signed, numbered receipt therefor.

(g) The poll list, register of voters, unused ballots and ballot cards, spoiled ballots, and other records and supplies shall be delivered as directed by the board of elections.

Section 9. (a) Prior to the start of the count of the ballots, the board of election commissioners shall have the automatic tabulating equipment tested to ascertain that is will accurately count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication pursuant to KRS Chapter 424. The test shall be witnessed by representatives of the political parties, candidates, the press and the public. It shall be conducted by processing a pre-audited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made and certified to by the board before the count is started. The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved as official. On completion of the

count the programs, test materials, and ballots shall be sealed and retained as provided for paper ballots.

(b) All proceedings at the counting center shall be under the direction of the board of election commissioners or persons designated by it and shall be conducted under the observation of representatives of each political party and the public, but no persons except those authorized for the purpose shall touch any ballot or ballot card or return. All persons who are engaged in processing and counting of the ballots shall be deputized in writing and take an oath that they will faithfully perform their assigned duties. If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All duplicate ballots shall be clearly labeled "duplicate," and shall bear a serial number which shall be recorded on the damaged or defective ballot.

(c) The return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, shall when certified by the board of election commissioners constitute the official return of each precinct or election district. The board may from time to time release unofficial returns. Upon completion of the count the official returns shall be open to the public.

(d) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the board of elections may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

Section 10. Absentee votes may be cast on paper ballots or ballot cards, or both methods may be used. Such ballots may be counted by automatic tabulating equipment or by special canvassing boards appointed by and under the direction of the board of election commissioners. A true copy of absentee paper ballots may be made on ballot cards, which after being duly verified in the presence of witnesses, shall be counted in the same manner as other ballot cards.

Section 11. Subject to the provisions of this Act, the board

of election commissioners may make all necessary and desirable provisions for the conduct of elections with approved electronic voting systems.

Committee Amendment to **HB 345** is as follows:

Amend printed copy of House Bill 345 on page 2, lines 21-22-23, by:

deleting the following sentence: "It may enlarge, consolidate or alter the boundaries of precincts where an electronic voting system is used."

and on page 6, line 17 by deleting the words: "board election commissioners" and inserting in lieu thereof the word "clerk"

and on page 6, line 18 by deleting the following words: "voting booths,"

and on page 7, lines 3 through 7 by deleting the following:

"(c) The board of election commissioners shall have delivered to each polling place a sufficient number of voting booths and voting devices for each voting district or precinct. The voting booths shall be durably constructed and shall be so designed as to enable the voter to mark his ballot in secrecy."

The Committee on Elections and Constitutional Amendments reported **HB 21, HB 158, HB 178, HB 192, HB 203, HB 273, HB 295, HB 349, HB 370,** and **HB 531** with the expression of opinion that the same should not pass.

The Committee on Elections and Constitutional Amendments reported **HB 11, HB 17, HB 138, HB 151, HB 186, HB 189, HB 199, HB 200, HB 276, HB 318, HB 321,** and **HB 482** without expression of opinion.

The Committee on Counties and Special Districts reported **HB 268, HB 465, HB 466, HB 493** and **HB 586** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 268, AN ACT relating to the friend of the court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 403.090 of the Kentucky Revised Statutes is amended to read:

(1) The fiscal court of any county may, by resolution, authorize the appointment of a "friend of the court". If the circuit court of the county has but one judge, the appointment shall be made by the judge. If the court has two or more judges, the appointment shall be made by joint action of the judges, at the general term. *The person appointed to the office of friend of the court shall serve at the pleasure of, and subject to removal by, the appointing authority.* [The appointment shall be for a term of two years, subject to removal at the pleasure of the appointing authority. Vacancies shall be filled by appointment of the appointing authority for the unexpired term.] The person appointed shall be a licensed practicing attorney. He shall take the constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.

(2) It shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the circuit court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court, and he shall see that the payments are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the circuit court may direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court be paid to the juvenile court as reimbursement for the expenses incurred by the juvenile court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the court for the purpose of compelling payment. He shall ascertain the facts concerning the care, custody, and maintenance of children for whom payments

are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.

(3) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable him to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody and maintenance of the children. He shall make a report to the trial judge, at a time fixed by the judge, setting forth his recommendations as to the care, custody and maintenance of the children. He may request the court to postpone the final submission of any case to give him a reasonable time in which to complete his investigation.

(4) The friend of the court shall have authority to secure the issuance by the court of any order, rule or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care and maintenance of children. In performing his duties under subsection (3) of this section he shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses; in the case of depositions taken on interrogatories, he may file cross interrogatories. He shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when he deems it necessary for the protection of the minor children, or when he may be directed by the court to attend.

(5) The friend of the court shall not directly or indirectly represent any party to a divorce action except as he is herein authorized to represent the minor children of parties to a divorce action, but if any allowance is made for the support of a mother and her infant child or children, he may proceed to enforce the payment of the allowance made to the mother also.

(6) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall,

by resolution, fix a reasonable compensation for the friend of the court and make a reasonable allowance for his necessary expenses, equipment and supplies, payable out of the general fund of the county, upon approval of the judge or judges appointing him. [The compensation of the friend of the court of counties containing a city of first, second or third class shall not exceed $3,600 per annum, and the allowance for expenses shall not exceed $1,200 per annum; and in all other counties the compensation shall not exceed $2,400 per annum and the allowance for expenses shall not exceed $900 per annum.]

HB 465, AN ACT relating to working out fines and costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 441.180 of the Kentucky Revised Statutes is amended to read:

Except as provided in KRS 150.990, prisoners placed at hard labor shall be permitted to satisfy their fines and costs at the rate of *four* [two] dollars per day; they shall not be required to labor more than eight hours a day, and may at any time pay or replevy the fine and costs, or whatever part thereof remains unpaid after receiving credit of *four* [two] dollars for each day worked in payment thereof. Managers shall keep the time of prisoners and release them when their time expires, except that any prisoner who pays the fine and costs not worked out shall be released from custody upon order of the court that committed him.

HB 466, AN ACT relating to crediting time spent in jail against sentence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 431.150 of the Kentucky Revised Statutes is amended to read:

If, in any trial in a circuit, county, quarterly, justice's or police court of this state, the defendant has been compelled to remain in jail, by reason of his inability to execute bond, to an-

swer the charge in the court in which he is held, and, on trial had in such court, he has been found guilty and his punishment fixed at a fine or a term in the county jail, he shall, in the case of a fine, be given credit at the rate of *four* [two] dollars per day for each day he was so compelled to remain in jail, and, in the case of a jail sentence, shall be given credit on such sentence for the time he was so compelled to remain in jail. The court shall endorse on the judgment a credit for the number of days the defendant was so compelled to remain in jail, and, in the case of a jail sentence, shall make an entry on the commitment, and the defendant shall be discharged from the county jail when he has served the full term for which he was convicted less such credit of time as he is to receive as herein provided.

HB 493, AN ACT relating to county children's bureaus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 200.140 is amended to read:

(1) The fiscal court of any county, with the advice and assistance of the department, may establish county children's bureaus. When the fiscal court has authorized the establishment of such bureau, the county judge and the county superintendent of schools shall submit to the department a list of nine persons, or if the county contains a city of the first or second class, *thirty-six* [fifteen] persons, including both men and women. From this list, the department shall recommend three persons, or if the county contains a city of the first or second class, *twelve* [five] persons, who shall then be appointed by the county judge and the county superintendent of schools.

(2) The members thus appointed shall constitute a county children's bureau for the county. Both sexes shall be represented in the membership of the bureau. The original members shall serve for one, two and three years respectively, or if *twelve* [five] members are appointed, *four* [one] shall serve for one year, *four* [two] for two years and *four* [two] for three years. Thereafter all appointive members shall serve for three years or until their successors have been qualified. The members shall serve without compensation but may be reimbursed by the

county for all necessary expenses incurred in the discharge of their official duties. The fiscal court may provide funds for the establishment and maintenance of the county bureau, and each bureau shall have office or desk room in the courthouse at the county seat.

(3) Each year the county bureau shall elect a chairman and a secretary from among its members. Each bureau shall hold an annual meeting and such special meetings as are called by the chairman or requested in writing by a majority of the members.

HB 586, AN ACT relating to the county judge expense allowance fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 25.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Finance shall determine the amount that is present in the fund on the last days of the months of September, December, March, and June. Payments shall be made quarterly to county judges in an amount determined as provided in this section.

(2) Except as provided in *the second sentence* [paragraph (b)] of subsection (3) of this section, the maximum expense allowance is *$600* [$375] per quarter-year.

(3) [(a)] If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount less than *$600* [$375], then that *lesser* amount shall be paid. [(b)] If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount as much as or more than *$600,* [$375] then *$600* [$375] shall be paid, except that [:1.] if, *firstly,* the amount is more than *$600* [$375], and, *secondly,* [2.] if the total amount previously paid to each judge during the fiscal year is less than *$600* [$375] times the number of previous payments, then the payment shall be in an amount not larger than is necessary to make the total amount paid during the fiscal year equal to *$600* [$375] times the number of payments.

(4) In no case shall a county judge receive *from the fund* more than *$2400* [$1500] in one fiscal year.

The Committee on Counties and Special Districts reported **HB 527** with the expression of opinion that the same should not pass.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 226, HB 255, SB 84** and **SB 131** had been examined and found correctly enrolled. **HB 226, HB 255, SB 84** and **SB 131** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Calendar

HB 15, SB 55, SB 148, SB 163, SB 122, SB 177, SB 176, HR 79, HR 85, HB 498, HB 529, HB 528, HB 497, HB 154, HB 448, HB 62, HB 501, HB 524, SB 46, HB 242, HB 175, HB 348, HB 389, HB 488 and **HB 256** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Recess

Representative W. J. Reynolds moved that the House recess for ten minutes for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Special Order of the Day

HB 400 taken from Special Order of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the following Amendment No. 1 to **HB 400:**

> Amend printed copy of House Bill 400 on page 56, line 5, by: inserting after the word "Government" the words ", but not" and on line 6, by inserting a comma after the word "program"

On the roll call the vote was yeas 47—Allen, Blandford, Blume, Bown, Bruce, Carroll, Clapp, Cox, Curlin, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Maddox, Massey, May, McBrayer, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 43—Baker, Ball, Ballenger, Bamberger, Blythe, Bowles, Clark, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Johnson, Jones, Keith, Kessinger, Lankford, Lawson, Louden, McKinney, Melton, R. L. Miller, Peace, Rattliff, Richey, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 1 to **HB 400** was adopted.

Representative McBrayer moved the adoption of the following Amendment No. 2 to **HB 400:**

Amend prined copy of House Bill 400 on page 54, line 20, by: adding the following sentence:

"Of any money transferred to the Capital Construction Fund under this section, $250,000 is appropriated to the Department of Parks for construction of Greenbo Lodge at Greenbo Lake State Park in Greenup County, which is in addition to all other amounts appropriated to the Department of Parks by this Act."

On the roll call the vote was yeas 34—Blandford, Blume, Bruce, Carroll, Clapp, Cox, Curlin, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Justice, Kidd, King, May, McBrayer, McNamara, Mershon, Clarence R. Miller, Mitchell, Murphy, Pettit, Ray, W. J. Reynolds, Siemens, Tobin, Walters, Webster. Nays 46—Akers, Alexander, Baker, Ball, Ballenger, Bamberger, Bleemel, Bowles, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Harper, Hoe, Huff, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Lawson, Louden, Melton, R. L. Miller, Peace, Rattliff, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 2 to **HB 400** was defeated.

Representative Hardin moved the adoption of the following Amendment No. 3 to **HB 400:**

Amend printed copy of House Bill 400 on page 38, lines 10-15, by:

deleting "$10,000" and adding therefore $1,200,000"
and, line 11, by deleting "$10,000" and adding therefore "$1,200,000"

and by deleting lines 12, 13, 14 and 15 in their entirety;
and by adding therefore "For expenses of the Division of State Police, Department of Public Safety."

On the roll call the vote was yeas 34—Blandford, Blume, Brown, Bruce, Carroll, Cox, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Hunt, Isler, James, Justice, Kidd, King, May, McBrayer, McCallum, McNamara, Mershon, Clarence R. Miller, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Webster. Nays 52—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clapp, Clark, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Huff, Johnson, Jones, Keith, Kessinger, Lankford, Lawson, McKinney, Melton, R. L. Miller, Morgan, Peace, Rattliff, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Walters, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 3 to **HB 400** was defeated.

Representative Blume moved the adoption of the following Amendment No. 4 to **HB 400:**

Amend printed copy of House Bill 400 on page 17, line 14, by:
by deleting "3,100,000" and inserting in lieu thereof "$7,500,000"

and on page 17, line 15, by deleting "$3,100,000" and inserting in lieu thereof "$7,500,000"

and on page 18, line 24, by deleting $306,049,185" and inserting in lieu thereof "$310,449,185"

and on page 18, line 25, by deleting "$358,992,740" and inserting in lieu thereof "$363,392,740"

On the roll call the vote was yeas 21—Blume, Bruce, Carroll, Curlin, Hardin, Hunt, Isler, Kidd, King, McBrayer, McGill, Mershon, Clarence R. Miller, Murphy, Prather, Ray, Rickert, Russell, Siemens, Tobin, Webster. Nays 45—Akers, Alexander, Allen, Arnett, Ball, Ballenger, Bleemel, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Halleck, Harper, Hoe, Holbrook, Huff, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, McKinney, Melton, Morgan, Peace, Rattliff, R. Reynolds, Richey, Riddle, Sartin, Schmidt, Simmons, Stuart, Vanover, Walters, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 4 to **HB 400** was defeated.

Representative Curlin moved the adoption of the following Amendment No. 5 to **HB 400:**

Amend printed copy of House Bill 400 on page 2, line 0, by: deleting in their entirety lines 10, 13, 16, 19, 22, 25, and 28

and on page 3, by deleting in their entirety lines 4, 9, 12, 15, 18, 24, and 28

and on page 4, by deleting in their entirety lines 4, 9, 12, 15, 18, and 27

and on page 5, by deleting in their entirety lines 4, 7, 11, 17, 20, and 26

and on page 6, by deleting in their entirety lines 5, 10, 19, 23, and 27

and on page 7, by deleting in their entirety lines 3, 7, 17, 21, 25 and on page 7, line 9, by deleting ", and $136,000 for the fiscal year 1969-70"

and on page 8, by deleting in their entirety lines 3, 9, 13, 18, 21, and 25

and on page 9, by deleting in their entirety lines 2, 8, 11, 25, 26, 27, and 28

and on page 10, by deleting in their entirety lines 1, 2, 3, 4, 5, 6, 7, 8, 9

and on page 11, lines 21, 22 and 24 by deleting *"1969-70"* "1,475" "1,060"

and on page 12, by deleting in its entirety line 11, and on lines 14-15 by deleting: "and $1,200 in the 1969-70 school year."

and on page 13, by deleting in its entirety line 26

and on page 14, by deleting in their entirety lines 6, 12, 19, 25 and 28

and on page 15, by deleting in their entirety lines 3, 6, 10, 14, 22 and 27

and on page 16, by deleting in their entirety lines 2, 10, 15, 19, 23 and 27

and on page 17, by deleting in their entirety lines 3, 7, 11, 15, 19, 23 and 28

and on page 18, by deleting in their entirety lines 3, 6, 9, 13, 17, 21 and 25

and on page 19, by deleting in their entirety lines 4, 8, 22, and 27

and on page 20, by deleting in their entirety lines 2, 8, 12, 17, 22, and 25

and on page 21, by deleting in their entirety lines 6, 11, 18, 21, 23, 27, 15 and the following on line 14: "and 1,400 foster care"

and on page 22, by deleting in their entirety lines 4, 7, 11, 15, 23 and 27

and on page 23, by deleting in their entirety lines 4, 10, 13, 16, 19, 23 and 27

and on page 24, by deleting in their entirety lines 14, 17, 21 and 26

and on page 25, by deleting in their entirety lines 1, 8, 13, and 25 and on line 14, by deleting "for each year"

and on page 26, by deleting in their entirety lines 4, 9, 12, 16, 20 and 24

and on page 27, by deleting in their entirety lines 1, 4, 10, 14, 18, 24 and the following on lines 26 and 27: "and thirty (30) additional troopers in the 1969-70 fiscal year."

and on page 28, by deleting in their entirety lines 2, 6, 11, 14, 18, 22 and 27

and on page 29, by deleting in their entirety lines 3, 8, 13, 17, 23 and 28

and on page 30, by deleting in their entirety lines 5, 11, 15, 24 and 27

and on page 31, by deleting in their entirety lines 8, 14, 17, 23 and 26

and on page 32, by deleting in their entirety lines 4, 9, 12, 17, 20 and 23

and on page 33, by deleting in their entirety lines 1, 13, 18 and 27

and on page 35, by deleting in their entirety lines 1, 5 and 15

and on page 35, line 21 after the word "functions" by adding the following: "for the 1968-69 fiscal year"

and on page 36, line 1, after word "Highways" by adding "during the 1968-69 fiscal year"

and on page 36, line 3, by deleting ", and June 30, 1969"

and on page 36, line 4, by deleting "and 1969-70" and amending "years" to read "year"

and on page 36, lines 21 and 22, by deleting "and $13,000,000 for 1969-70"

and on page 37, by deleting in their entirety lines 9, 15 and 22

and on page 38, by deleting in their entirety lines 2, 11, 19 and 26

and on page 39, by deleting in their entirety lines 4 and 15

and on page 40, lines 9 and 10 by deleting "and for the fiscal year ending June 30, 1970,"

and on page 40, line 27, by deleting "or fiscal year 1969-70"

and on page 41, lines 12 and 13, by deleting ", and during the fiscal year ending June 30, 1970,"

and on page 42, by deleting in their entirety lines 3, 8, 11, 14

and on page 43, by deleting in their entirety lines 11, 22, 26

and on page 44, by deleting in their entirety lines 2, 10, 13, 16, 23, 26

and on page 45, by deleting in their entirety lines 1, 18, 24

On the roll call the vote was yeas 25—Blume, Brown, Bruce, Carroll, Curlin, Hampton, Hardin, Henry, Hoffman, Hunt, Isler, James, King, May, McBrayer, Mitchell, Murphy, Pettit, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster. Nays 53—Akers, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clark, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Huff, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Massey, McKinney, Melton, R. L. Miller, Peace, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 5 to **HB 400** was defeated.

On the roll call the vote was yeas 100—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Carroll, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 400 as amended was passed and the title agreed to.

Representative Ball moved that the vote by which **HB 400** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

HB 399, with Committee Amendments attached thereto,

taken from Special Order of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of Committee Amendment No. 1 to **HB 399.** Agreed.

Representative Morgan moved the adoption of Committee Amendment No. 2 to **HB 399.** Agreed.

Representative Morgan moved the adoption of the following Amendment No. 3 to **HB 399:**

Amend printed copy of House Bill 399 on page 9, line 7, by:

by striking all of "(8)" line 7 through line 23 by bracketing said lines

and on page 9, line 24, by striking "(9)" and inserting in lieu thereof "(8)"

and on page 10, line 12, by striking "(10)" and inserting in lieu thereof "(9)"

and on page 10, line 14, by striking "(9)" and inserting in lieu thereof "(8)"

and on page 10, lines 15 and 16, by striking by bracketing the words "and adjusted as follows"

and on page 10, lines 21, 22 and 23 by striking by bracketing lines 21, 22 and 23 entirely

and on page 10, line 24, by striking "(11)" and inserting in lieu thereof "(10)"

and on page 11, line 18, by striking "(12)" and inserting in lieu thereof "(11)"

and on page 11, line 26, by striking by bracketing contents of (a) and (b) lines 26 through 28

and on page 12, line 1, by striking by bracketing the entire line

and on page 12, line 18, by striking "(13)" and inserting in lieu thereof "(12)"

and on page 12, line 19, by striking "(12)" and inserting in lieu thereof "(11)"

and on page 13, line 1, by striking "(14)" and inserting in lieu thereof "(13)"

and on page 13, line 3, by striking "(13)" and inserting in lieu thereof "(12)"

and on page 13, line 3, by striking by bracketing all after (13) and through lines 4 and 5

and on page 13, line 8, by striking "(13)" and inserting in lieu thereof "(12)"

and on page 13, line 9, by striking by bracketing all after "KRS 141.120" and striking by bracketing lines 10 and 11

and on page 13, line 12, by striking "(15)" and inserting in lieu thereof "(14)"

and on page 13, line 14, by striking "(16)" and inserting in lieu thereof "(15)"

and on page 13, line 20, by striking "(17)" and inserting in lieu thereof "(16)"

and on page 13, line 22, by striking "(18)" and inserting in lieu thereof "(17)"

and on page 13, line 24, by striking "(19)" and inserting in lieu thereof "(18)"

and on page 13, line 26, by striking "(20)" and inserting in lieu thereof "(19)"

and on page 13, line 28, by striking "(21)" and inserting in lieu thereof "(20)"

and on page 14, line 5, by striking "(22)" and inserting in lieu thereof "(21)"

and on page 14, line 7, by striking "(23)" and inserting in lieu thereof "(22)"

and on page 14, line 9, by striking "(24)" and inserting in lieu thereof "(23)"

and on page 15, line 20, by striking all of "(6)" lines 20 through 27 by placing said lines in brackets

Amend printed copy of House Bill 399 on page 5, line 23, by:

striking *"five"* and inserting in lieu thereof *"four"*

and on page 6, line 3, by striking *"five"* and inserting in lieu thereof *"four"*

and on page 6, line 10, by striking *"five"* and inserting in lieu thereof *"four"*

and on page 6, line 12, by striking *"five"* and inserting in lieu thereof *"four"*

and on page 16, line 26, by striking *"five"* and inserting in lieu thereof *"four"*

On the roll call the vote was yeas 32—Akers, Alexander, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Dawhare, Hardin, Henry, Hinkle, Hopkins, Hunt, Irick, James, Keene, Kidd, Massey, McGill, Mershon, Mitchell, Morgan, Murphy, Peace, Pettit, Ray, W. J. Reynolds, Riddle, Tobin, Walters, Webster. Nays 50—Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Clark, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Huff, Isler, Johnson, Jones, Keith, Kessinger, Lankford, Lawson, Louden, McBrayer, McKinney, Melton, C. R. Miller, R. L. Miller, Rattliff, Richey, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 3 to **HB 399** was defeated.

Representative Denham moved the adoption of the following Amendment No. 4 to **HB 399:**

Amend printed copy of House Bill 399 on page 5, line 23, by: striking *"five"* and substituting in lieu thereof *"four"*

and on page 6, line 3, by striking *"five"* and substituting in lieu thereof *"four"*

and on page 6, line 3, by striking *"five"* and substituting in lieu thereof *"four"*

and on page 6, line 10, by striking *"five"* and substituting in lieu thereof *"four"*

and on page 6, line 12, striking *"five"* and substituting in lieu thereof *"four"*

On the roll call the vote was yeas 33—Alexander, Blandford, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hunt, King, Lassiter, Maddox, McCallum, McKinney, Clarence R. Miller, Mitchell, Murphy, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Tobin, Walters, Webster, Wells. Nays 48—Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Huff, Isler, James, Johnson, Keith, Kessinger, Lankford, Lawson, Louden, Melton, R. L. Miller, Rattliff, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 4 to **HB 399** was defeated.

Representative Isler moved the adoption of the following Amendment No. 5 to **HB 399:**

Amend printed copy of House Bill No. 399 on page 8, line 0, by: inserting this new section following line 18.

"Section 12. A new section of the Kentucky Revised Statutes is created to read:

In addition to all other exemptions to the tax on gross receipts from sales, there is exempt the gross receipts from the sales of medicine prescribed by any person licensed to treat human beings, clothing, and food that is sold for consumption off the premises where sold, but not including alcoholic or carbonated beverages."

On the roll call the vote was yeas 48—Akers, Alexander, Allen, Blandford, Blume, Brown, Carroll, Clapp, Clark, Cox, Curlin, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Isler, James, Justice, Keene, Kidd, King, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Riddle, Siemens, Tobin,

Walters, Webster, Wells. Nays 47—Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Massey, McGinney, Melton, R. L. Miller, Rattliff, R. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 5 to **HB 399** was adopted.

Representative Ball moved that **HB 399** be laid on the Clerk's desk.

Representative Morgan moved that the Rules be suspended for Introduction of Bills and Resolutions:

HR 89, by Representative Hoffman: A CONCURRENT RESOLUTION welcoming the selection of Louisville as the site for the Conference on the Advancement and Utilization of Science and Technology at the State and Local Level and inviting representatives of other states to attend.

HB 598, by Representatives Morgan and Ball: AN ACT relating to the termite and pest control industry.

HB 599, by Representatives Morgan and Wheeler: AN ACT setting the compensation of constitutional employes of the General Assembly.

Senate Message

Announcing passage of **HR 76.**

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 595, SB 246, SB 250, SB 289, SB 331.**

Business Organizations and Professions: **SB 170.**

Cities: **SB 116, SB 248.**

Counties and Special Districts: **SB 282.**

Health and Welfare: **HB 597, SB 201, SB 202, SB 209, SB 291.**

Judiciary: **SB 24, SB 64, SB 167, SB 253, SB 292, SB 311.**

Public Utilities: **HB 596, SB 205.**

State Government: **HB 598, HB 599, HR 89, SB 2, SB 297, SB 312.**

Report on Enrolled Bills

The Committee on Enrollment reported **HR 76, HB 209** and **HB 233** had been examined and found correctly enrolled. **HR 76, HB 209** and **HB 233** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative Morgan moved that the House adjourn until 1:00 p.m., Wednesday, March 6, 1968.

On the roll call the vote was yeas 54—Akers, Alexander, Allen, Baker, Ball, Bamberger, Blandford, Bleemel, Bowles, Brown, Bruce, Clapp, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Harper, Hoe, Holbrook, Johnson, Jones, Keith, Kessinger, Kidd, Lankford, Louden, Maddox, Massey, McKinney, McNamara, Mershon, Clarence R. Miller, Morgan, Pettit, Ray, Russell Reynolds, Richey, Russell, Saylor, Schmidt, Simmons, Stuart, Vanover, Walters, Webster, Wheeler, Wolchik, Wooley, Wright. Nays 27—Ballenger, Blume, Blythe, Curlin, Hardin, Henry, Hoffman, Hunt, Irick, Isler, James, Justice, Keene, King, Lassiter, Lawson, May, McBrayer, R. L. Miller, Mitchell, Prather, W. J. Reynolds, Rickert, Riddle, Sartin, Siemens, Tobin.

The motion to adjourn was adopted.

WEDNESDAY, MARCH 6, 1968

FIFTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John L. Hunt of the South Presbyterian Church, Frankfort.

The roll was called. All present except Representative C. R. Miller.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of March 5, 1968, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 600, by Representatives Irick and Justice: AN ACT relating to elections.

HB 601, by Representatives Bamberger, Wooley, Lawson, Schmidt and Keene: AN ACT relating to venereal diseases.

HR 90, by Representative Kessinger: A JOINT RESOLUTION authorizing and directing the Legislative Audit Committee to investigate the operation and financing of the Kentucky High School Athletic Association, its relationship with the public schools of the Commonwealth of Kentucky and with the Kentucky Education Association, including its operating budget, capital investments, ticket sales and the proceeds from such sales.

HB 602, by Representatives Irick and Justice: AN ACT relating to employment excepted from classified service.

HB 603, by Representative Cox: AN ACT relating to alcohol.

Report of Committees

The Committee on Judiciary reported **SB 195** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 195, AN ACT relating to the crime of resisting arrest.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read:

(1) A person commits the crime of resisting arrest if he intentionally prevents or attempts to prevent a peace officer, recognized to be acting under color of his official authority, from effecting an arrest of the actor or another, by:

(a) Using or threatening to use physical force or violence against the peace officer; or

(b) Using any other means creating a substantial risk of causing physical injury to the peace officer or another.

(2) It is no defense to a prosecution under this section that a peace officer was acting unlawfully in making the arrest, provided he was acting within color of his official authority and using no more force than what was reasonably necessary to effect the arrest.

(3) Resisting arrest under this section is punishable by imprisonment in jail for not more than twelve months, by a fine not to exceed $500, or both.

The Committee on Judiciary reported **HB 415** without expression of opinion.

The Committee on Judiciary reported **HB 557** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **HB 434** without expression of opinion.

The Committee on Judiciary reported **HB 550, HB 526** with Committee Amendment attached, **SB 114, SB 113** and **HR 65** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 550, AN ACT establishing a uniform system of recording, collecting, and publishing criminal justice statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

A Bureau of Criminal Identification and Statistics shall be established under the direction, control and supervision of the Commissioner of the Department of Public Safety.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

The commissioner shall appoint a qualified person to administer this bureau. He shall have statistical training and experience and possess a knowledge of criminal law enforcement and administration and of penal and correctional institutions and methods. He shall be furnished with the necessary facilities and equipment and shall appoint clerical and other assistants necessary for the operation of the bureau.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

The Bureau Chief shall:

(1) Collect data necessary for the operation of the bureau from all persons and agencies mentioned in Section 5 of this Act.

(2) Prepare and distribute to all such persons and agencies, forms to be used in reporting data to the Bureau. The forms shall provide for items of information needed by federal bureaus or departments engaged in the development of national criminal statistics.

(3) Prescribe the forms and content of records to be kept by such persons and agencies to insure reporting of data to the bureau.

(4) Instruct such persons and agencies in the installation, maintenance and use of such records and in the manner of reporting to the Bureau.

(5) Tabulate, analyze and interpret the data collected.

(6) Supply data, at their request, to federal bureaus or departments engaged in collecting national crime statistics.

(7) Annually present to the Governor, on or before July 1, concerning the criminal statistics of the preceding calendar year, and present at such other times as the director may deem wise, or the Governor may request, reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed for general distribution in the interest of public enlightment.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

Every sheriff, chief of police, coroner, jailer, judge, magistrate, prosecuting attorney, court clerk, probation officer, parole officer; warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the retarded; State Police, State Fire Marshal, Board of Alcoholic Beverage Control; Bureau of Vital Statistics; Department of Highways; Department of Corrections; Department of Child Welfare; and every other person or agency, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the bureau shall:

(1) Install and maintain records needed for reporting data required by the bureau.

(2) Report to the bureau as and when the Bureau Chief requests, all data demanded by him (except that such reports concerning a juvenile delinquent shall not reveal his or his parents' identity).

(3) Give the bureau or its accredited agent access for purpose of inspection.

(4) Cooperate with the bureau to the end that its duties may be properly performed.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

(1) The annual report of the bureau shall contain statistics showing:

(a) the number and type of offenses known to public authorities;

(b) the personal and social characteristics of criminals and delinquents; and

(c) the administrative action taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(2) The bureau shall also interpret such statistics and so present the information that it may be of value in guiding the legislature and those in charge of the apprehension, prosecution and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. The report shall include statistics that are comparable with national criminal statistics published by federal agencies heretofore mentioned.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

(1) Any public official or employe who knowingly or intentionally makes, or causes to be made, a false return of information to the bureau shall be punished by confinement in jail for not more than ninety days, by a fine not exceeding $500, or both.

(2) If any public official or employee required to report to the bureau neglects or refuses to comply with the requests of the bureau, or its rules governing record systems and their maintenance, the Bureau Chief shall give written notice thereof to the person or persons authorized by law to disburse funds of the governmental agency to the public official or employe involved. No funds of the governmental agency shall thereafter be paid to the public official or employe, whether in the form of salary, fees, expenses, compensation, or otherwise, until the Bureau Chief notifies the disbursing authority that performance of the required duty has been completed.

Section 7. All acts and parts of acts inconsistent with this Act are hereby repealed.

Section 8. This Act shall become effective July 1, 1968.

HB 526, AN ACT providing for the recovery of damage for loss of consortium.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

"Consortium" means the right to the services, assistance, aid, society, companionship and conjugal relationship between husmand and wife, or wife and husband.

Section 2. Either a wife or husband may recover damages against a third person for loss, impairment or interference with consortium, whether resulting from a negligent or wrongful act of such third person, or from an intentional wrong or direct attack upon the marital relationship.

Committee Amendment to **HB 526** is as follows:

Amend printed copy of House Bill 526 on page 1, lines 5-9, by:

deleting lines 5 through 9, and inserting in lieu thereof the following:

"Section 2. Either a wife or husband may recover damages against a third person for loss of consortium resulting from a negligent or wrongful act of such third person."

SB 114, AN ACT relating to public administrators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 395.380 is amended to read:

(1) The county court of each county shall appoint a discreet, fit person to act as administrator of decedents' estates of which there is no personal representative, and as guardian of orphans who have no guardian.

(2) He shall *serve at the discretion of the county court.* [continue in office two years and until his successor is qualified, but may be removed by the court in the same manner and for the same causes for which administrators or guardians may be removed.]

(3) He shall be sworn and execute bond with good surety to the state for the faithful discharge of his duties.

Section 2. KRS 395.390 is amended to read:

(1) The county court of a county which has a public administrator and guardian shall, after the expiration of *thirty days* [three months] from the death of the decedent, order the public administrator and guardian to administer the estate of the decedent *where the surviving spouse and heirs waive their right to be appointed, or in the event any of the persons designated in 395.040 are unable, or found to be incapable of handling or managing the estate* [if no one qualifies as personal representative], or if from any other cause there is no personal representative. If there is no public administrator and guardian, the court shall order the sheriff to administer the estate.

(2) The county court shall also confide to the public administrator and guardian the care and control of the persons and estates of all minors when it appears that a minor has no testamentary guardian and no one will apply for appointment, or serve, as guardian.

SB 113, AN ACT relating to "friend of the court."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 403.090 is amended to read:

(1) The fiscal court of any county may, by resolution, authorize the appointment of a "friend of the court". If the circuit court of the county has but one judge, the appointment shall be made by the judge. If the court has two or more judges, the appointment shall be made by joint action of the judges, at the general term. *The person appointed to the office of friend of the court shall serve at the pleasure of, and subject to removal by, the appointing authority.* [The appointment shall be for a term of two years, subject to removal at the pleasure of the appointing authority. Vacancies shall be filled by appointment of the appointing authority for the unexpired term.] The person appointed shall be a licensed practicing attorney. He shall take the constitutional oath of office and shall give bond

in such sum as may be fixed by the appointing judge or judges.

(2) It shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the circuit court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court, and he shall see that the payments are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the circuit court may direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court be paid to the juvenile court as reimbursement for the expenses incurred by the juvenile court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the court for the purpose of compelling payment. He shall ascertain the facts concerning the care, custody, and maintenance of children for whom payments are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.

(3) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable him to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody and maintenance of the children. He shall make a report to the trial judge, at a time fixed by the judge, setting forth his recommendations as to the care, custody and maintenance of the children. He may request the court to postpone the final submission of any case to

give him a reasonable time in which to complete his investigation.

(4) The friend of the court shall have authority to secure the issuance by the court of any order, rule or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care and maintenance of children. In performing his duties under subsection (3) of this section he shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses; in the case of depositions taken on interrogatories, he may file cross interrogatories. He shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when he deems it necessary for the protection of the minor children, or when he may be directed by the court to attend.

(5) The friend of the court shall not directly or indirectly represent any party to a divorce action except as he is herein authorized to represent the minor children of parties to a divorce action, but if an allowance is made for the support of a mother and her infant child or children, he may proceed to enforce the payment of the allowance made to the mother also.

(6) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall, by resolution, fix a reasonable compensation for the friend of the court and make a reasonable allowance for his necessary expenses, equipmnt and supplies payable out of the general fund of the county, upon approval of the judge or judges appointing him. [Th compensation of the friend of the court of counties containing a city of first, second or third class shall exceed $3,600 per annum, and the allowance for expenses shall not exceed $1,200 per annum; and in all other counties the compensation shall not exceed $2,400 per annum and the allowance for expenses shall not exceed $900 per annum.]

HR 65, A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to conduct a study to determine the best and proper procedure for establishing and operating a consumer protection agency to be appropriately located in state government and to report its findings to the General Assembly.

WHEREAS, the needs of the consumer in our modern Kentucky economy include the need to be assured a market place based on quality and respect for the individual, and

WHEREAS, there is much confusion and ignorance, some deception, and even fraud, in the marketplace, where fact, understanding, and honesty ideally should prevail, and

WHEREAS, only by the more careful spending of their present incomes can the consumers improve their standard of living, and

WHEREAS, not only the poor, but also the more prosperous Kentuckians are at times inadequately equipped in today's more complex marketplace, and

WHEREAS, if our free enterprise economy is to operate efficiently, buyers must be well informed about the alternative goods and services available in the marketplace — and the increasing breadth of choice makes it more difficult for consumers to be well informed, and

WHEREAS, consumer affairs should be represented in the state government and there is no state agency existing primarily for consumers interests, and

WHEREAS, there is a need for a state agency empowered to conduct studies, investigations and research and advice the Executive and Legislative branches in all matters affecting consumer interests and to coordinate services as available to further consumer education,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is hereby authorized and directed to study the various means by which a consumer protection commission can function in the Kentucky state government, and recommend the most effective way of establishing and organizing such an agency along with the powers and duties with which it should be vested; and report same to the members of the General Assembly before December 31, 1969, with any additional findings and recommendations.

Section 2. The Legislative Research Commission shall be empowered to appoint an advisory committee to assist in making the study.

Section 3. The Attorney General's Office shall furnish such information, advice and assistance that they may have, and cooperate with the Commission in making this study.

The Committee on Banking and Insurance reported **HB 386, HB 446, HB 580, SB 85,** and **SB 169** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 386, AN ACT relating to credit unions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 290.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the first meeting of the Board of Directors and at the first meeting of the board following the annual membership meeting in each fiscal year, the board shall elect from their number a president, vice-president, secretary and treasurer. The offices of secretary and treasurer may, if the bylaws so provide, be held by one person. The board of directors shall have the general management of the affairs, funds and records of the corporation and shall meet as often as necessary.

(2) Unless the bylaws specifically reserve all or any of the following duties to the members, the directors shall:

(a) Act upon all applications for membership and the expulsion of members; *except that they may appoint a membership officer from among the members of the credit union, other than the treasurer, assistant treasurer, or loan officer, who may be authorized by the board to approve applications for membership under such conditions as the board may prescribe. Membership officers so authorized shall submit a list of approved or pending applications for membership received since the last previous meeting of the board together with such other related information as the board or bylaws may require;*

(b) Determine the rate of interest, consistent with the provisions of this chapter, which shall be allowed on deposits and charged on loans;

(c) Fix the maximum number of shares which may be held by and the maximum amount which may be loaned to any one member, declare dividends and recommend amendments to the bylaws;

(d) Fill vacancies in the board of directors and in the credit committee until the election and qualification of successors;

(e) Have charge of the investment of funds other than loans to members;

(f) Employ persons necessary to carry on the business of the credit union;

(g) Perform such other duties as the members authorize from time to time;

(h) Appoint such special committees as the board deems appropriate.

(3) Each director, officer, member or employe having custody of funds shall be bonded. The type and amount of each bond shall be fixed by the board of directors, subject to the following:

(a) If the assets of the credit union amount to less than $50,000 the bond shall be a blanket type bond or a position type faithful performance bond in an amount not less than twenty percent of the total assets;

(b) If the assets of the credit union amount to $50,000 or more, the bond shall be a blanket type faithful performance bond of a minimum amount determined as follows:

Assets	Amount of Bond
$50,000 to $200,000	20% of total assets
$200,000 to $400,000	20% of first $200,000 15% of amount over $200,000
$400,000 to $600,000	20% of first $200,000 15% of second $200,000

	5% of amount over $400,000
$600,000 and over	20% of first $200,000
	15% of second $200,000
	5% of third $200,000
	2½% of amount over $600,000

(4) Except as provided herein, no officer, director or member of the credit committee or supervisory committee shall receive any compensation, directly or indirectly, for services he performs in such capacity. The board of directors may fix reasonable compensation for the treasurer, assistant treasurer, and office personnel.

Section 2. Section 290.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section, the credit committee shall approve every loan or advance made by the corporation to members. Every application for a loan shall be made in writing on a form prepared by the board of directors and shall state the purpose for which the loan is desired and the security offered. No loan shall be made unless it has received the unanimous approval of the members of the committee who were present when it was considered, which number shall constitute at least a majority of the members of the committee, nor if any member of the committee disapproves the loan. If the bylaws so provide, an applicant who has been denied a loan may appeal to the board of directors in the manner provided in the bylaws. The credit committee shall meet as often as may be required after due notice has been given to each member.

(2) The credit committee may, by majority vote of its members, appoint one or more loan officers, and delegate to him or them the power to approve loans within limits established by the credit committee. Each loan officer shall furnish to the credit committee a record of each loan acted upon by him within seven days after the date on which the application therefor was filed. No loan officer shall be empowered to reject an application but may refer any application to the credit committee for its consideration. No loan officer shall disburse funds of any loan on which he has acted as a loan officer.

Section 3. Section 290.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) A credit union may make loans, including temporary loans, to its members for provident and productive purposes, and upon such security and terms as the bylaws provide. No loan shall be made to any member which causes such member to become indebted to the credit union in an aggregate amount, upon loans made to such member, which is in excess of two hundred dollars or ten per centum of the credit union's paid-in unimpaired capital and surplus, whichever is greater, or in excess of *$1,000* [$750] unless such excess over *$1,000* [$750] is adequately secured. For the purpose of this section, an assignment of shares or the endorsement of a note shall be deemed security.

(2) A member who needs funds with which to purchase necessary supplies for current crops may receive a loan payable in periodic payments rather than fixed monthly installments.

(3) No officer, member of the board of directors, or member of the credit or supervisory committee shall borrow more than the amount of his investment in the credit union, as represented by fully paid shares and accumulated dividends unless so authorized by the members of the credit union at an annual meeting, or at a special meeting called for such purpose, except that any director, or member of a credit committee or a supervisory committee may borrow up to the unsecured loan limit applicable to all members without authorization from the members. If an application for a loan is made by a member of the credit committee, then the supervisory committee shall appoint a substitute to act in the place of the prospective borrower in the consideration of such loan. No director, officer, or member of the credit or supervisory committee shall become an endorser for a borrower, unless so authoized by the members of the credit union at an annual meeting, or at a special meeting called for that purpose.

(4) A borrower may repay the whole or any part of his loan on any day that the office of the credit union is open for business.

(5) No officer or member of a committee shall knowingly permit or participate in making a loan of the funds of a credit union to a nonmember, the credit union may recover such illegal

loan from the borrower, or from any officer or any member of a committee who knowingly committed or participated in the making thereof, or from all of them jointly.

Section 4. Section 290.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) [Annually or semi-annually, as the bylaws may provide, and after provision for the required reserves, the board of directors may declare a dividend to be paid from the remaining net earnings.] *After allocation to required reserves, a credit union may declare a dividend from undivided earnings at the discretion of its board of directors and as its bylaws may provide.* Such dividend shall be paid on all fully paid shares outstanding at the end of the period for which the dividend is declared. Shares which become fully paid during such dividend period and are outstanding at the close of the period shall be entitled to a proportional part of such dividend [.] *calculated from the first day of the month following such payment in full.* Dividend credit for a month may be accrued on shares which are or become fully paid during the first *ten* [five] days of that month.

(2) The board of directors may, as of any dividend date, authorize an interest refund to members of record in proportion to interest on loans paid by the member for the period preceding the interest refund date.

HB 446, AN ACT relating to interest.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 360.025 is amended to read as follows:

[(1)] No corporation *or individual* shall hereafter plead or set up the taking of more than the legal rate of interest, as a defense to any action brought against *them* [it] to recover damages on, or enforce payment of, or other remedy on, any mortgage, bond, note or other obligation, executed or assumed by such corporation *or individual:* Provided, that this section shall not apply to any action [which is now pending or to any suit or action] instituted subsequent to June *14, 1968* [16, 1960], upon any mortgage, bond, note or other obligation executed or as-

sumed by such corporation *or individual* prior to June *14, 1968* [16, 1960].

[(2) The provisions of subsection (1) of this section shall not apply to a corporation, the principal asset of which shall be the ownership of a one or two family dwelling.]

HB 580, AN ACT relating to banks and combined banks and trust companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subject to such limitations and conditions as the Commissioner of Banking may from time to time prescribe by general regulations, any bank or combined bank and trust company organized under the laws of this state may purchase, hold and become the owner and lessor of personal property acquired upon the specific request of and for the use of a customer and may incur such additional obligations as may be incident to becoming an owner and lessor of such personal property, provided, however, that for the purposes of this Act the term "personal property" shall not include a motor vehicle required to be registered under Chapter 186 of the Kentucky Revised Statutes, and provided further, that the net unrecovered investment of such bank or combined bank and trust company in such personal property shall, for the purposes of KRS 287.280 only, be deemed to be an indebtedness of the lessee thereof, and such personal property shall be considered to be collateral securing such indebtedness.

SB 85, AN ACT relating to the coverage of mentally retarded or physically handicapped dependent children under family expense disability insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 303.010 is amended by adding the following new subsection (7) to read as follows:

(7) Hospital service corporations and medical service cor-

porations organized under this Chapter shall be specifically subject to the provisions of KRS 304.745 (1) and (2) notwithstanding any other limitations or exemptions in any section of this Chapter.

Section 2. KRS 304.745 is amended to read as follows:

(1) Family expense disability insurance is that provided under a policy issued to one of the family members insured, who shall be deemed the policyholder, covering any two or more eligible members of a family, including husband, wife, dependent children, or any children under a specified age which shall not exceed nineteen years, and any other person dependent upon the policyholder. Any authorized disability insurer may issue such insurance.

(2) An individual hospital or medical expense insurance policy or hospital or medical service plan contract delivered or issued for delivery in this state more than 120 days after the effective date of this Act, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the policy or contract shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the policyholder or subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer or corporation by the policyholder or subscriber within 31 days of the child's attainment of the limiting age and subsequently as may be required by the insurer or corporation but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

SB 169, AN ACT relating to automobile insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Policy" means an automobile liability insurance policy,

delivered or issued for delivery in this state, insuring a single individual or husband and wife resident of the same household, as named insured, and under which the insured vehicles therein designated are of the following types only:

(a) A motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others; or

(b) Any other four-wheel motor vehicle with a load capacity of 1500 pounds or less which is not used in the occupation, profession or business of the insured; provided, however, that this Act shall not apply:

1. to any policy issued under an automobile assigned risk plan, or

2. to any policy insuring more than four automobiles, or

3. to any policy covering garage, automobile sales agency, repair shop, service station or public parking place operation hazards.

(2) "Automobile liability insurance policy" includes only coverage of bodily injury and property damage liability, and the provisions therein, if any, relating to medical payments, uninsured motorists coverage, and automobile physical damage coverage.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term; provided, however, that any policy with a policy period or term of less than six months shall for the purpose of this Act be considered as if written for a policy period or term of six months. Provided, further, that any policy written for a term longer than one year or any policy with no fixed expiration date, shall for the purpose of this Act, be considered as if written for successive policy periods or terms of one year, and such policy may be terminated at the expiration of any annual period upon giving 20 days' notice of cancellation prior to such anniversary date, and such cancellation shall not be subject to any other provisions of this Act.

(4) "Nonpayment of premium" means failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

Section 2. (1) A notice of cancellation of a policy shall be effective only if it is based on one or more of the following reasons:

(a) nonpayment of premium; or

(b) the driver's license or motor vehicle registration of the named insured or of any other operator who either resides in the same household or customarily operates an automobile insured under the policy has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period or the 180 days immediately preceding its effective date.

(2) This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

(3) Modification of automobile physical damage coverage by the inclusion of a deductible not exceeding $100 shall not be deemed a cancellation of the coverage or of the policy.

(4) This section shall not apply to nonrenewal.

Section 3. No notice of cancellation of a policy to which Section 2 applies shall be effective unless mailed or delivered by the insurer to the named insured at least 20 days prior to the effective date of cancellation; provided, however, that where cancellation is for nonpayment of premium at least 10 days' notice of cancellation accompanied by the reason therefor shall be given. Unless the reason accompanies or is included in the notice of cancellation, the notice of cancellation shall state or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than 15 days prior to the effective date of cancellation, the insurer will specify the reason for such cancellation.

This section shall not apply to renewal.

Section 4. No insurer shall fail to renew a policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least 20 days' advance notice of its intention not to renew. This section shall not apply:

(1) if the insurer has manifested its willingness to renew; nor

(2) in case of nonpayment of premium.

Provided, that, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other insurance policy with respect to any automobile designated in both policies.

Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

Section 5. Proof of mailing of notice of cancellation, or of intention not to renew or of reasons for cancellation, to the named insured at the address shown in the policy, shall be sufficient proof of notice.

Section 6. When an automobile liability insurance policy is cancelled, other than for nonpayment of premium, or in the event of failure to renew a policy of automobile liability insurance to which Section 4 applies, the insurer shall notify the named insured of his possible eligibility for automobile liability insurance through the Kentucky Automobile Assigned Risk Plan. Such notice shall accompany or be included in the notice of cancellation or the notice of intent not to renew.

Section 7. Where the reason for cancellation does not accompany or is not included in the notice of cancellation, the insurer shall upon written request of the named insured, mailed or delivered to the insurer not less than 15 days prior to the effective date of cancellation, specify in writing the reason for such cancellation. Such reason shall be mailed or delivered to the named insured within 5 days after receipt of such request.

Section 8. There shall be no liability on the part of and no cause of action of any nature shall arise against the Commis-

sioner of Insurance or against any insurer, its authorized representative, its agents, its employees, or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation, for any statement made by any of them in any written notice of cancellation, or in any other communication, oral or written specifying the reasons for cancellation, or the providing of information pertaining thereto, or for statements made or evidence submitted at any hearings conducted in connections therewith.

The Committee on Banking and Insurance reported **HB 416** with the expression of opinion that the same should not pass.

The Committee on Banking and Insurance reported **HB 411** without expression of opinion.

The Committee on State Government reported **HB 591, HR 87, HB 598, HB 599, HR 89, HB 534, HB 575** and **HB 359** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 591, AN ACT relating to industrial building revenue bonds; amending Sections 103.220 and 103.230 of the Kentucky Revised Statutes, and declaring an emergency.

WHEREAS, in the present state of the municipal bond market the limitations heretofore imposed on interest rates and call features of industrial building revenue bonds have become unrealistic when measured against the increasing cost of money in national and international markets, with the result that some governmental units have been unable to issue bonds for needed industrial projects; and

WHEREAS, a higher limitation in the permissible maximum interest rate for such bonds would not result in any cost to the issuing authority, inasmuch as the company which leases the property would pay all of such costs, and must do so under the terms of the statute,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 103.220 is amended to read:

(1) The bonds may be issued to bear interest at a rate not to exceed *seven* [six] per cent per annum, payable either annually or semiannually, and shall be executed in such manner and be payable at such times not exceeding twenty-five years from date thereof and at such place or places as the city legislative body or the fiscal court of the county, as the case may be, determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity [, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest.] under conditions fixed by the city legislative body or the fiscal court of the county, as the case may be, before issuing the bonds.

Section 2. KRS 103.230 is amended to read:

(1) Bonds issued pursuant to KRS 103.200 to 203.280 shall be negotiable. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold upon such terms as the city legislative body or the fiscal court of the county, as the case may be, deems best, or any contract for the acquisition of any industrial building may provide that payment shall be made in such bonds. The issuing authority may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine will best effect the purposes of KRS 103.230 to 103.260; provided, however, that no private or negotiated sale shall be made unless the amount of the issue equals or exceeds $10,000,000, and unless the business concern which is contracting to lease the industrial building shall have requested in writing, addressed to the chief executive of the issuing authority, that the sale of the bonds shall be made privately upon a negotiated basis. In no event shall any bonds be sold or negotiated on a basis to yield more than *seven* [six] percent, except as provided in subsection (2) of KRS 103.220.

(2) The bonds shall be payable solely from the revenue derived from the building, and shall not constitute an indebtedness of the city or county within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 103.200 to 103.280 and that it does not constitute an indebtedness of the city or county within the meaning of the constitution.

Section 3. Whereas many municipalities have been delayed or hindered in their industrial building revenue bond financing by reason of the interest rate limitations inherent in existing law, and this Act would permit the avoidance of such difficulties by establishing a more realistic maximum, while still permitting actual rates to be established by the market situation, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

HR 87, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the use of property and equipment by state government.

WHEREAS, the recently concluded investigation by the special House of Representatives Committee on Leasing of Rental Property by the State showed a considerable lack of overall planning and consistency by the state in its use of property and equipment, an example of which is the fact that the state is renting buildings at rates as high as an annual rate of 32 percent of assessed valuation at the same time that state-owned buildings stand practically empty; and

WHEREAS, the same investigation also showed possibilities for increased economy and efficiency in the use by state government of vehicles, office equipment, telephone service and other similar areas,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

1. That the Legislative Research Commission is directed to study the use of property and equipment by all agencies of state government and report to the 1970 General Assembly its

recommendations for legislation which would result in increased economy and efficiency in this area.

2. In addition to any other matters deemed appropriate by the commission, the study shall include a detailed inventory of property being rented by state agencies for use as offices and of property already owned by the state that is suitable for that use, a recommended set of standards or specifications to be met by rental property, a recommendation on the advisability of classifying rental property, with a maximum and minimum rental rate for each class, a recommendation on the possible pooled use of vehicles and office equipment, a recommendation on the necessity of the state's present telephone system, and recommendations in any similar fields in which the economy and efficiency of state government may be increased.

HB 598, AN ACT relating to the termite and pest control industry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 249.255 is amended to read:

(1) There shall be an examining board composed of five members appointed by the commissioner who shall be citizens of the Commonwealth of Kentucky. The examining board shall consist of a member of the department, two members of the Department of Entomology of the University of Kentucky, and two members of the pest control industry. *The examining board shall be appointed on the first day of July of each year for a two year term, except the terms of the members of the board first appointed shall be staggered so that one member of the pest control industry shall serve a one year term and one member shall serve a two year term. The commissioner shall fill vacancies as they occur for the balance of the unexpired term and shall have the power to remove members at will.*

(2) The examining board shall examine every applicant in writing concerning his knowledge of the field in which application is made and shall examine his background and application to ascertain whether he is eligible for a license. The examining

board shall make written findings and recommendations to the State Board of Agriculture concerning the qualifications of each applicant.

Section 2. KRS 249.260 is amended to read:

(1) Every operator as defined in KRS 249.250 shall secure a license from the department before engaging in business in Kentucky. Written application shall be made to the department stating the field of operation in which a license is desired. The applicant shall then be examined by the examining board in the field of operation specified in his application, and if found to be competent and qualified, shall be issued a license in the specified field, renewable annually without examination unless previously revoked as hereinafter provided. The licensee must, however, be examined when application is made for a license in additional fields of operation.

(2) Each operator shall register annually, and shall pay an annual fee of one hundred dollars for each place of business maintained in Kentucky. The registration and annual fee shall also be paid by any owner maintaining a place of business outside Kentucky but who engages in business within Kentucky. Every non-resident owner shall designate a resident agent upon whom service of notice of process may be made to enforce the provisions of KRS 249.250 to KRS 249.340 or any liabilities arising from the operations hereunder.

(3) The "applicant or operator" is construed to mean the person or persons who own or are in direct charge of and responsible for the conduct of the business named in the license.

(4) No applicant shall be eligible for examination unless he *is a high school graduate or the equivalent thereof, as defined by regulations of the department, and* has had at least *three* [two] years' experience in the field in which application is made, or has had in lieu thereof at least two years study in a recognized college or university, majoring in subjects devoted to the professional field in which he proposes to engage.

(5) No applicant shall be eligible for examination who:

(a) Has been convicted of any misdemeanor directly or

indirectly attributable to the operation of a pest control business, or any felony, within two years preceding the application.

(b) Has had any license issued under KRS 249.250 to 249.340 revoked for cause within two years preceding the application.

(c) Has operated or advertised without a license within two years preceding the application.

(d) Is a partnership or corporation, unless each member of the partnership and each director, officer, and manager of the corporation, is eligible for a license under subsections (a), (b), and (c) hereof.

(6) No licenseholder shall knowingly employ in his business any person who:

(a) Has been convicted of any misdemeanor directly or indirectly attributable to the operation of a pest control business, or any felony, within two years preceding the application.

(b) Has had any license issued under KRS 249.250 to 249.340 revoked for cause within two years preceding the application.

(c) Has operated or advertised without a license within two years preceding the application.

Section 3. KRS 249.270 is amended to read:

The board shall have the power to promote reasonable rules and regulations concerning the following matters:

(1) Standards of application and workmanship;

(2) Proper health and safety precautions;

(3) Requirements for contractual responsibilities and fulfillment of agreements;

(4) Proof of financial responsibility;

(5) Furnishing of reports and information necessary for the department to carry out the provisions of KRS 249.250 to 249.340;

(6) Fields of operations for which licenses may be issued,

the holding of examinations and the contents of said examinations.

Section 4. KRS 249.280 is amended to read:

Before any rules or regulations are adopted or amended the commissioner shall set a time and place for a public hearing before him or his representative, and shall cause at least fifteen days notice of the hearing to be given *to each person holding a license under this act by mailing a notice of said hearing to each licensee at his registered address. The commissioner shall further cause to be published an advertisement thereof pursuant to KRS Chapter 424,* and *he* shall cause to be set out in *both notices in general terms the matters to be considered* [the notice the matters to be considered.]

Section 5. A new section to KRS Chapter 249 is adopted to read:

(1) It shall be unlawful for any operator or any solicitor or agent of any such operator to make any material misrepresentation to any member of the public concerning the condition of his premises, the nature and effect of services performed or to be performed or of materials used or to be used.

(2) It shall be unlawful for any operator or other person to solicit or perform any work in this state except under the authority of a valid license held by him or his employer or to assist any unlicensed operator or other person not employed by a licensed operator in the solicitation or performance of any work in this state.

Section 6. KRS 249.300 is amended to read:

A license may be revoked by the board for any of the following causes:

(1) Commission by the licensee of any act which would have rendered him ineligible to be examined for a license under KRS 249.260 (5); [The licensee, his solicitor or agent, making any material misrepresentations for the purpose of defrauding any member of the public, or using any method or material that

is not reasonably suited for the purpose for which it is employed, or performing unsatisfactory work under his contract;]

(2) Failure of a licensee to comply with, or any violation of the provisions of KRS 249.250 to 249.340 or any rule or regulation promulgated by the Department;

(3) Failure to pay any final judgment rendered against any operator, his employee, solicitor or representative by reason of liabilities resulting from activities under KRS 249.250 to 249.340;

(4) Refusal to provide the Department with reasonably complete and accurate information upon request;

(5) If license holder shall fail to make the registrations and pay annual fees as provided in KRS 249.260.

Section 7. KRS 249.305 is amended to read:

The board may in its discretion order the suspension of a license for any cause for which it may be revoked [provided, however, the licensee may have the alternative, except in cases involving subsection (1) of KRS 249.300, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension period, the sum of fifty dollars per day.]. *Except in cases involving criminal conduct, the board may in its discretion permit the licensee to pay the sum of fifty dollars per day in lieu of part or all of the days of any suspension period.* The money so collected shall be paid to the State Treasury to the credit of a revolving fund for the use of the Department in enforcing the provisions of KRS 249.250 to 249.340.

Section 8. KRS 249.310 is amended to read:

A license shall not be transferable. When there is a change in the business status of the owner or designated representative operating under a license, the owner, whether it be an individual, firm, partnership, association, or corporation or any combination thereof, shall have *one hundred and twenty days* [ninety days] within which time to register an owner or designated representative to qualify under the provisions of KRS 249.250 to 249.340. However, in the event of the death of an individual owner, his heirs or representatives shall be allowed a minimum of *one hun-*

dred and twenty days [ninety days] in which to register an owner or designated representative to qualify under the provisions of KRS 249.250 to 249.340. Except as provided elsewhere in KRS 249.250 to 249.340, the owner or his designated representative must be qualified under the provisions of KRS 249.250 to 249.340 by having passed the appropriate examination and obtaining a license.

HB 599, AN ACT setting the compensation of constitutional employes of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 6.230 of the Kentucky Revised Statutes is amended to read:

Employes of the General Assembly shall receive a per diem as follows: Chief Clerk, *thirty-eight* [thirty-six] dollars; assistant clerk, *thirty-two* [twenty-six] dollars; enrolling clerk, *twenty-six* [twenty] dollars; sergeant-at-arms, *twenty-eight* [twenty] dollars; doorkeeper, *twenty-two* [eighteen] dollars; janitors, *eighteen* [twelve] dollars; cloakroom keeper, *eighteen* [twelve] dollars; pages, six dollars each.

HR 89, A CONCURRENT RESOLUTION, welcoming the selection of Louisville as the site for the Conference on the Advancement and Utilization of Science and Technology at the State and Local Level and inviting representatives of other states to attend.

WHEREAS, the National Science Foundation and the Southern Interstate Nuclear Board have selected Louisville as the site for the pioneer Conference on the Advancement and Utilization of Science and Technology at the State and Local Level, in September, 1968; and

WHEREAS, this Conference will bring together for the first time scientists and public officials to examine the proper roles of governmental agencies in advancing and utilizing innovative tools and techniques of science and technology; and

WHEREAS, Kentucky's selection as the site for the Confer-

ence is in unique recognition of her leadership in establishing a progressive framework for securing the benefits of scientific and technological development for her people; and

WHEREAS, the Kentucky Science and Technology Commission, the City of Louisville, and the Louisville Chamber of Commerce will serve as hosts to the Conference;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

That the encouragement and hospitality of the Commonwealth be extended to the Conference on the Advancement and Utilization of Science and Technology at the State and Local Level;

That the Governor be requested to proclaim the week of September 15 to 21, 1968, as Science and Technology Week in Kentucky;

That representatives of other states be invited to attend the Conference and made welcome during their stay in the Commonwealth.

HB 534, AN ACT relating to holidays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the *third Monday in* [22nd day of] February (Washington's Birthday), the *last Monday in* [30th day of] May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the *first Monday in* [4th day of] July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the *last Mon-*

day in [11th day of] November (Veterans Day), *the fourth Monday in November (Thanksgiving Day),* the 25th day of December (Christmas Day) of each year, [and all days appointed by the President of the United States or by the Governor as days of thanksgiving,] are holidays, on which all the public offices of this Commonwealth may be closed; and, subject to the provisions of subsection (2) hereof, shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) Any bank, trust company, or combined bank and trust company may, at its option, either close or remain open for business on the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the *third Monday in* [22nd day of] February (Washington's Birthday), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 12th day of October (Columbus Day), and the *last Monday in* [11th day of] November (Veterans' Day). Any bank, trust company, or combined bank and trust company electing to remain open on such of the above mentioned holidays may do so and as to such bank, trust company, or combined bank and trust company such day or days shall not constitute a holiday within the meaning of the provisions of the negotiable instrument law or any other law of the Commonwealth and such bank, trust company, or combined bank and trust company shall incur no liability by reason of remaining open on such holiday, provided that any bank, trust company, or any combined bank and trust company, electing to remain open on any of the above mentioned holidays which occurs on a Monday, Tuesday, Wednesday, Thursday or Friday shall remain closed the following Saturday. If any such bank, trust company, or combined bank and trust company elects to close on such holidays, any act authorized, required or permitted to be performed at or by such bank, trust company, or

combined bank and trust company, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from remaining closed notwithstanding the provisions of any law of this Commonwealth to the contrary. The provisions of this section shall not operate to invalidate or prohibit the doing on any of the aforementioned legal holidays of any act by any person or bank or trust company, or combined bank and trust company, and nothing in this section shall, in any manner whatsoever affect the validity of or render void or voidable the payment, certification or acceptance of a check or any other negotiable instrument or any other transaction by any person or bank or trust company or combined bank and trust company because done or performed during any of the aforesaid holidays, notwithstanding the provisions of any other law of this Commonwealth to the contrary.

(3) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

HB 575, AN ACT relating to insurance for state employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 18.410 of the Kentucky Revised Statutes is amended to read:

(1) The Commissioner of Finance, upon the recommendation of the Commissioner of Personnel, may procure from one or more life insurance companies, *or from one or more hospitalization insurance companies,* authorized to do business in this state, a policy or policies of group life insurance insuring the lives of all or any class or classes of state employes, *or may procure a policy or policies of group hospitalization insurance covering all or any class or classes of state employees.* The policy or policies shall be approved by the Commissioner of Insurance and may contain such provisions as he approves whether or not otherwise permitted by the insurance laws. *It is intended that life insurance and hospitalization insurance may be made available for state employees, except that the procuring of each is permissive.*

(2) The term "State employe," for purposes of KRS 18.410,

to 18.440, shall mean a person who is regularly employed by any department, board, agency or branch of state government, and who is also a contributing member of any one of the retirement systems administered by the state.

(3) The term "premiums," for the purposes of KRS 18.410 to 18.440, shall mean premiums to be paid on any type of insurance authorized under KRS 18.410 to 18.440.

HB 359, AN ACT relating to group life insurance for county employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Fiscal Court of a county may procure from one or more life insurance companies, authorized to do business in this state, a policy or policies of group life insurance insuring the lives of all or any class or classes of county employes. The policy or policies shall be approved by the State Commissioner of Insurance and may contain such provisions as he approves whether or not otherwise permitted by the insurance laws. The term "County Employe", for purposes of this Act, shall mean a person who is regularly employed by any department, board, agency, or branch of county government.

Section 2. The premiums may be paid by the policyholder (a) wholly from funds contributed by the insured employe, by payroll deduction or otherwise, (b) wholly from funds contributed by the Fiscal Court or department or agency, or (c) partly from each. No payment of premium by the county or department, board or agency shall constitute compensation to an insured employe for the purposes of any statute fixing or limiting the compensation of such employe; any premium or other expense incurred by the county or department, board or agency shall be considered a proper cost of administration.

Section 3. The policy or policies may also provide accidental death, and dismemberment insurance and may contain such provisions with respect to the class or classes of employes covered, amounts of insurance for designated classes or groups of employes, terms of eligibility, continuation of insurance after

retirement, and such other provisions as the Commissioner of Insurance may approve.

Section 4. The Fiscal Court is authorized to perform all acts necessary or advisable for the purpose of contracting for and maintaining insurance under the provisions hereof.

The Committee on Agriculture and Natural Resources reported **HB 499** with Committee Amendment attached thereto, **HB 566** with Committee Amendment attached thereto, **HB 595, HB 571, SB 246, SB 289** and **SB 331** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 499, AN ACT relating to meat inspection.

Section 1. As used in this Act, except as otherwise specified, the following terms shall have the meanings stated below:

(1) The term "Commissioner" means the Commissioner of Agriculture or his delegate.

(2) The term "Department" means the Department of Agriculture.

(3) The term "firm" means any partnership, association, or other unincorporated business organization.

(4) The term "meat broker" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employe of another person, firm, or corporation.

(5) The term "renderer" means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection under sections 1 through 16 of this Act.

(6) The term "animal food manufacturer" means any person, firm, or corporation engaged in the business of manufactur-

ing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines.

(7) The term "intrastate commerce" means commerce within this state.

(8) The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Commissioner under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph, with respect to cattle, sheep, swine, and goats.

(9) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the department to deter its use as human food, or it is naturally inedible by humans.

(10) The term "prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(11) The term "adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(b) 1. If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive) which may, in the judgment of the Commissioner make such article unfit for human food;

2. If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

3. If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

4. If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: Provided, that an article which is not adulterated under clause (11) (b) 2, 3, or 4, shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the department in establishments at which inspection is maintained under sections 1 through 16 of this Act;

(c) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(d) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(e) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(f) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(g) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation

or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Comsmetic Act;

(h) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(i) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

(12) The term "misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(a) If its labeling is false or misleading in any particular;

(b) If it is offered for sale under the name of another food;

(c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(d) If its container is so made, formed, or filled as to be misleading;

(e) If in a package or other container unless it bears a label showing 1. the name and place of business of the manufacturer, packer, or distributor; and 2. an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under clause 2. of this subparagraph (12) (e), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the department.

(f) If any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely

to be read and understood by the ordinary individual under customary conditions of purchase and use;

(g) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the department under section 7 of this Act unless 1. it conforms to such definition and standard, and 2. its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(h) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the department under section 7 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(i) If it is not subject to the provisions of subparagraph (12) (g), unless its label bears 1. the common or usual name of the food, if any there be, and 2. in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Commissioner, be designated as spices, flavorings, and colorings without naming each: Provided, that, to the extent that compliance with the requirements of clause 2. of this subparagraph i) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the department;

(j) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, or other dietary properties as the Commissioner, after consultation with the Secretary of Agriculture of the United States, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(k) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: Provided, that to the extent that compliance with

the requirements of this subparagraph (k) is impracticable, exemptions shall be established by regulations promulgated by the department; or

(l) If it fails to bear, directly thereon or on its container, as the department may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the department may require in such regulations to assure that it will not have falso or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(13) The term "label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(14) The term "labeling" means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying such article.

(15) The term "Federal Meat Inspection Act" means the Act so entitle approved March 4, 1907, (34 Stat. 1260), as amended by the Wholesome Meat Act (8 Stat. 584).

(16) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Act amendatory thereof or supplementary thereto.

(17) The term "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(18) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the department to identify the status of any article or animal under this Act.

(19) The term "official inspection legend" means any symbol prescribed by regulations of the department showing that an article was inspected and passed in accordance with this Act.

(20) The term "official certificate" means any certificate

prescribed by regulations of the department for issuance by an inspector or other person performing official functions under this Act.

(21) The term "official device" means any device prescribed or authorized by the Commissioner for use in applying any official mark.

Section 2. Meat and meat food products are an important source of the nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulations by the department and cooperation by this State and the United States as contemplated by this Act are appropriate to protect the health and welfare of consumers and otherwise effectuate the purposes of this Act.

Section 3. For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of meat and meat food products which are adulterated, the Commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for intrastate commerce; and all cattle, sheep, swine, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered

separately from all other cattle, sheep, swine, goats, horses, mules, or other equines, and when so slaughtered, the carcasses of said cattle, sheep, swine, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the department as herein provided for.

Section 4. For the purposes hereinbefore set forth the Commissioner shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, goats, horses, mules, and other equines, capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in this State in which such articles are prepared solely for intrastate commerce; and the carcasses and parts thereof of all such animals found to be not adulterated shall be marked, stamped, tagged, or labeled, as "Inspected and Passed;" and said inspectors shall label, mark, stamp, or tag as "inspected and Condemned," all carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Commissioner may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become adulterated and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be adulterated, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Commissioner may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

Section 5. The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, goats, horses, mules, and other equines or the meat or meat products thereof, capable of use as human food, which may be brought into any

slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where inspection under sections 1 through 16 of this Act as maintained, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any such slaughtering, meat-canning , salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The Commissioner may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under sections 1 through 16 of this Act is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.

Section 6. For the purposes hereinbefore set forth the Commissioner shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where such articles are prepared solely for intrastate commerce and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Kentucky inspected and passed" all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as "Kentucky inspected and condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Commissioner may remove inspectors from any establishment which fails to so destroy such condemned meat food products.

Section 7. (1) When any meat or meat food product prepared for intrastate commerce which has been inspected as hereinbefore provided and marked "Kentucky inspected and passed" shall be placed or packed in any establishment where inspection

under the provisions of this Act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been "Kentucky inspected and passed" under the provisions of this Act, and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(2) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Commissioner may require, the information required under paragraph (12) of section 1 of this Act.

(3) The Commissioner, whenever he determines such action is necessary for the protection of the public, may prescribe: the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any articles or animals subject to sections 1 through 20 of this Act; definitions and standards of identity or composition for articles subject to section 1 through 16 of this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, or under the Federal Meat Inspection Act, and there shall be consultation between the Commissioner and the Secretary of Agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the Federal standards.

(4) No article subject to sections 1 through 16 of this Act shall be sold or offered for sale by any person, firm, or corporation, in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a

misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Commissioner, are permitted.

(5) If the Commissioner has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to sections 1 through 16 of this Act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Commissioner, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Commissioner so directs, be withheld pending hearing and final determination by the State Board of Agriculture. Any such determination by the State Board of Agriculture shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the circuit court of the county in which the principal place of business of the person, firm, or corporation is located, or to the Franklin Circut Court. Appeals may be had to the Court of Appeals in the same manner as in other civil actions.

Section 8. The Commissioner shall cause to be made, by experts in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered and the meat and meat food products thereof are prepared solely for intrastate commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "Kentucky inspected and passed."

Section 9. The Commissioner shall cause an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of intrastate commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, goats, horses, mules, and other equines, or the preparation of said food products is conducted during the nighttime.

Section 10. No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals.

(1) slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for intrastate commerce, except in compliance with the requirements of this Act;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, (a) any such articles which 1. are capable of use as human food, and 2. are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (b) any articles required to be inspected under this title unless they have been so inspected and passed;

(3) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

Section 11. (1) No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Commissioner.

(2) No person, firm, or corporation shall

(a) forge any official device, mark, or certificate;

(b) without authorization from the Commissioner use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(c) contrary to the regulations prescribed by the department, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(d) knowingly possess, without promptly notifying the Commissioner or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(e) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the department; or

(f) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.

Section 12. No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the department to show the kinds of animals from which they were derived. When required by the Commissioner with respect to establishments at which inspection is maintained under sections 1 through 16 of this Act, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts thereof, meats or meat food products are prepared.

Section 13. The Commissioner shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines the in-

spection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag or label any carcass or any part thereof, or meat food products therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be not adulterated; and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by said department and said department shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this Act, and all inspections and examinations made under this Act shall be such and made in such manner as described in the rules and regulations prescribed by said department not inconsistent with the provisions of this Act.

Section 14. Any person, firm, or corporation, or any agent or employe of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employe of this State authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the department, any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employe of this State in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employe of this State authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employes thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in intrastate commerce any gift, money, or other thing of value given with any purpose of intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction

thereof, be summarily discharged from office and shall be punished by a fine not less than $1,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years.

Section 15. (1) The provisions of sections 1 through 16 of this Act requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations shall not (a) apply to the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employes; nor (b) to the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats delivered by the owner thereof for such slaughter and the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him, and members of his household and his nonpaying guests and employes: Provided, that such custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any cattle, sheep, swine, goats or equines, capable of use as human food.

(2) The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(3) The slaughter of animals and preparation of articles referred to in paragraphs (1) (b) and (2) of this section shall be conducted in accordance with such sanitary conditions as the department may by regulations prescribe. Violations of any such regulations is prohibited.

(4) The adulteration and misbranding provisions of sec-

tions 1 through 16 of this Act, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this section.

Section 16. The department may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for intrastate commerce, such articles, whenever the Commissioner deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.

Section 17. Inspection shall not be provided under sections 1 through 16 of this Act at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the department to deter their use of human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the department or are naturally inedible by humans.

Section 18. (1) The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the department afford such representative and any duly authorized representative of the Secretary of Agriculture of the United States accompanied by such representative

of the department access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor

(a) Any persons, firms, or corporations that engage, for intrastate commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(b) Any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting, in intrastate commerce, or storing in or for such commerce, any carcasses, or parts or products of carcasses, of any such animals;

(c) Any persons, firms, or corporations that engage in business, in or for intrastate commerce, as renders, or engage in the business of buying, selling, or transporting, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

(2) Any record required to be maintained by this section shall be maintained for such period of times as the department may by regulations prescribe.

Section 19. No person, firm, or corporation shall engage in business, in or for intrastate commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in such commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, goats, horses, mules, or other equines, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for such commerce, or engage in the business of buying, selling, or transporting in such commerce, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless, when required by regulations of the department he has registered with the department

his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

Section 20. No person, firm, or corporation engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commece, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless such transaction or transportation, is made in accordance with such regulations as the department may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

Section 21. (1) The department of Agriculture is hereby designated as the State agency which shall be responsible for cooperating with the Secretary of Agriculture of the United States under the provisions of section 301 of the Federal Meat Inspection Act and such agency is directed to cooperate with the Secretary of Agriculture of the United States in developing and administering the meat inspection program of this State under this Act to assure that not later than November 15, 1969, its requirements will be at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and in developing and administering the program of this State under sections 17 through 20 of this Act in such a manner as will effectuate the purposes of this Act and said Federal Act.

(2) In such cooperative efforts, the department is authorized to accept from said Secretary advisory assistance in planning and otherwise developing the State program, technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The department is further authorized to spend public funds of this State appropriated for administration of this Act to pay fifty per centum of the estimated total cost of the cooperative program.

(3) The department is further authorized to recommend

to the said Secretary of Agriculture such officials or employes of this State as the department shall designate, for appointment to the advisory committees provided for in Section 301 of the Federal Meat Inspection Act; and the department shall serve as the representative of the Governor for consultation with said Secretary under paragraph (c) of Section 301 of said Act unless the Governor shall select another representative.

Section 22. (1) The Commissioner may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under sections 1 through 16 of this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or receipt of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under sections 1 through 16 of this Act because the applicant or recipient, or anyone responsible connected with the applicant or recipient, has been convicted, in any Federal or State court, of any felony, or more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in fod. This section shall not affect in any way other provisions of this Act for withdrawal of inspection services under sections 1 through 16 from establishments failing to maintain sanitar y conditions or to destroy condemned carcasses, parts, meat or meat food products.

(2) For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer or director of the business or a holder or owner of 10 per centum or more of its voting stock, or an employe in a managerial or executive capacity. The determination and order of the Commissioner with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in Section 25. Judicial review of any such order shall be upon the record upon which the determination and order are based.

Section 23. Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules, or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine is found by any authorized representative of the department upon any premises where it is held for purposes of, or during or after distribution in intrastate commerce, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of sections 1 through 16 of this Act or of the Federal Meat Inspection Act or the Federal Food, Drug and Cosmetic Act, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under Section 24 of this Act or notification of any Federal authorities having jurisdiction over such article or animal, and shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the department that the article or animal is eligible to retain such marks.

Section 24. (1) Any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled, or diseased cattle, sheep, swine, goats, or equine, that is being transported in intrastate commerce, or is held for sale in this State after such transportation, and that is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act; or is capable of use as human food and is adulterated or misbranded; or in any other way is in violation of this Act, shall be liable to be proceeded against by the commissioner or his authorized representative and seized and condemned, at any time, on a complaint in any proper court as provided in Section 25 of this Act within the jurisdiction of which the article or animal is found. If the article or animal is condemned it shall after entry of the decree, be disposed of by

destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of this State, but the article or animals shall not be sold contrary to the provisions of this Act, or the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act: Provided, that upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the United States, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the department as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. Either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the Commissioner.

(2) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

Section 25. The circuit courts of the Commonwealth are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, (except as provided in Section 7 (5) of this Act.)

Section 26. Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not less than $1,000 nor more than $5,000 or imprisoned not less than one nor more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Section 27. (1) Any person, firm, or corporation who vio-

lates any provision of this Act for which no other criminal penalty is provided by this Act shall upon conviction be subject to imprisonment for not less than 1 month nor more than one year, or a fine of not less than $500 nor more than $1,000, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 1 (11) (h) of this Act), such person, firm, or corporation shall be subject to imprisonment for not less than one nor more than three years or a fine of not less than $1,000 nor more than $10,000, or both: Provided, that no person, firm, or corporation shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this Act if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the department the name and address of the person from whom he received such article or animal, and copies of documents, if any there be, pertaining to the delivery of the article or animal to him.

(2) Nothing in this Act shall be construed as requiring the Commissioner to report for prosecution or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

Section 28. (1) The Commissioner shall also have power

(a) To gather and compile information concerning and, to investigate from time to time the organization, business, conduct, practices, and management of any person, firm, or corporation which is engaged in a type of business coming under this Act and which is engaged in intrastate commerce, and the relation thereof to other persons, firms, and corporations;

(b) To require, by general or special orders, persons, firms, and corporations engaged in intrastate commerce, or any class of them, or any of them to file with the Commissioner, in such form as the Commissioner may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Commissioner such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, firms, and corpora-

tions, of the person, firm, or corporation filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Commissioner may prescribe, and shall be filed with the Commissioner within such reasonable period as the Commissioner may prescribe, unless additional time be granted in any case by the Commissioner.

(2) For the purposes of this Act the Commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm, or corporation being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm, or corporation relating to any matter under investigation. The Commissioner may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(a) Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Commissioner may invoke the aid of any court designated in section 25 of this Act in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(b) Any of the courts designated in section 25 of this Act within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation, issue an order requiring such person, firm, or corporation to appear before the Commissioner or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) The Commissioner may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commissioner and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed

by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commissioner as hereinbefore provided.

(d) Witnesses summoned before the Commissioner shall be paid the same fees and mileage that are paid witnesses in the courts of this State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(e) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Commissioner or in obedience to the subpoena of the Commissioner whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(3) The commissioner and department shall treat all information and reports received under the authority granted in this section as confidential, except for statistical purposes, and the commissioner shall prescribe rules and regulations for the handling and storage of such information and reports.

(4) Any person, firm, or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Commissioner shall be guilty of an offense and upon conviction there-

of by a court of competent jurisdiction shall be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for not more than one year, or by, both such fine and imprisonment.

(a) Any person, firm, or corporation that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person, firm, or corporation subject to this Act or that shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, firm, or corporation, or that shall willfully remove out of the jurisdiction of this State, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any such person, firm, or corporation or that shall willfully refuse to submit to the Commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or within his control, shall be deemed guilty of an offense and shall be subject, upon conviction in any court of competent jurisdiction to a fine of not less than $1,000 nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

(b) If any person, firm, or corporation required by this Act to file any annual or special report shall fail so to do within the time fixed by the Commissioner for filing the same, and such failure shall continue for thirty days after notice of such default, such person, firm, or corporation shall forfeit to this State the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of this State, and shall be recoverable in a civil suit in the name of the State brought in the Circuit Court where the person, firm, or corporation has his or its principal office or in any Circuit Court in which he or it shall do business or in Franklin Circuit Court. It shall be the duty of the various attorneys, under the direction of the Attorney General of this State, to prosecute for the recovery of such forfeitures. The costs and expenses of such

prosecution shall be paid out of the appropriation for the expenses of the courts of this State.

(c) Any officer or employe of this State who shall make public any information obtained by the Commissioner without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment, not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Section 29. The requirements of this Act shall apply to persons, firms, corporate establishments, animals, and articles regulated under the Federal Meat Inspection Act only to the extent provided for in Section 408 of said Federal Act.

Section 30. If any provision of this Act or the application thereof to any person, firm, or corporation or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons, firms, and corporations and circumstances shall not be affected thereby.

Section 31. This Act shall be designated as the Kentucky Meat Inspection Act.

Section 32. This Act shall be funded by such sums as the General Assembly may appropriate to effectuate the purposes of this Act.

Committee Amendment to **HB 499** is as follows:

Amend printed copy of House Bill 499 on page 35, lines 5, 6, and 7, by:

striking all words after the words

"Section 32."
and substituting the following:

"In order to effectuate the purposes of this Act seventy-five thousand dollars is hereby appropriated from the General Expenditure Fund of the State Treasury for the fiscal year of 1968-1969 and two hundred thousand dollars for the fiscal year of 1969-1970."

HB 566, AN ACT relating to the establishment of a system of nature preserves and registry of natural areas and for the control and management thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known and may be cited as the Nature Preserves Act.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

All areas within the borders of the Commonwealth except those which are expressly dedicated by law for preservation and protection in their natural condition are subject to alteration by human activity. Natural lands and waters, together with the plants and animals living thereon in natural communities, are of value for scientific research, for teaching, as reservoirs of natural materials not all of the uses of which are now known, as habitats for rare and vanishing species, as places of historic and natural interest and scenic beauty, and as living museums of the native Kentucky landscape wherein one may envision and experience primeval conditions in a wilderness environment. It is therefore the public policy of the Commonwealth to secure for the people of present and future generations the benefits of an enduring resource of natural areas by establishing a system of nature preserves, protecting these areas and gathering and disseminating information regarding them, establishing and maintaining a registry of natural areas, and otherwise encouraging and assisting in the preservation of natural areas and features.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act:

(1) "Natural area" means any area of land or water in public or private ownership which either retains to some degree its primeval character, though it need not be completely natural and undisturbed, or has natural flora, fauna, ecological, geological or archaeological features of scientific or educational interest.

(2) "Nature preserve" means a natural area which is formally dedicated under the provisions of this Act to being maintained as nearly as possible in its natural condition and used in a manner and under limitations consistent with its continued preservation, without impairment, disturbance, or artificial development, for the public purposes of scientific research, education, esthetic enjoyment, and providing habitat for plant and animal species and communities and other natural objects;

(3) "System" means the Kentucky system of nature preserves created by this Act;

(4) "Commission" means the Kentucky Nature Preserves Commission.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

A Kentucky system of nature preserves, called the "system" is established. The system shall consist of nature preserves within the borders of the Commonwealth of Kentucky dedicated as provided in this Act.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

(1) A Kentucky Nature Preserves Commission is created, which commission shall consist of eleven members appointed as follows:

(a) One member shall be a member of the Fish and Wildlife Resources Commission, appointed by the commission.

(b) Two members shall be faculty members of the University of Kentucky, appointed by its board of trustees.

(c) One member shall be a faculty member of the University of Louisville, appointed by its board of regents.

(d) One member shall be a faculty member of Western Kentucky University, appointed by its board of regents.

(e) One member shall be a faculty member of Eastern Kentucky University, appointed by its board of regents.

(f) One member shall be chosen from the faculties of all

other state and private colleges and universities within the state, to be appointed by the Governor.

(g) One member shall be a member of the conservation board of the Department of Natural Resources, appointed by the board.

(h) Three members shall be appointed by the Governor and these appointees shall not be members of any department or commission of the Commonwealth or any faculty members of any colleges or universities within the Commonwealth.

(i) Any vacancies in the commission shall be filled in the same manner.

(2) The first members appointed after the effective date of this Act shall serve as follows: Three members to serve until June 30. 1969; four members to serve until June 30, 1970; four members to serve until June 30, 1971. Original appointees shall determine by lot among themselves the lengths of their respective terms. Members shall serve until their successors are appointed and qualified. As terms of members so appointed expire, their successors shall be appointed for terms to expire June 30, three years thereafter. When an appointment is made to fill a vacancy, the appointment shall be for the remaining term of the position vacant. Any member of the commission who has served two consecutive full terms shall be ineligible for reappointment for a period of one year following the expiration of his second term.

(3) The commission shall organize by selecting from its membership a chairman and a secretary and shall provide rules for transacting its business and keeping records thereof. The commission shall meet annually or more frequently upon the call of the chairman or three members. The members of the commission shall receive no compensation but may be reimbursed for necessary expenses in connection with the performance of their duties.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

Representatives of such agencies, institutions and organiza-

tions as the commission may determine shall serve as advisors to the commission with the privilege of discussion and debate, but without the right to vote, in the meetings of the commission. Such advisors shall receive no compensation for this function, but may be reimbursed for necessary expenses in connection with the performance of their duties. Nothing in this section shall be construed to prevent the members of the commission from meeting without the participation of the advisors, if and when the commission should desire.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

To the extent necessary to carry out the purposes of this Act and in addition to any other powers, duties and functions vested in the commission by law, the commission has the following powers and duties:

(1) To make and publish policies, rules, and regulations for the selection, acquisition, management, protection, and use of natural areas and nature preserves; for the registration of natural areas; for the dedication of nature preserves within the system; and for the conduct of commission affairs;

(2) To appoint and employ officers, agents, and employees;

(3) To cooperate and contract with any Federal or state governmental agency, private organization, or individual;

(4) To acquire by gift, devise, purchase, grant, dedication, condemnation, or other method the fee or any lesser right or interest in real property, which shall be held and managed as provided in Section 9 of this Act;

(5) To seek and approve the dedication of nature preserves as part of the system;

(6) To maintain a registry of natural areas, an inventory of natural types, and other records of natural areas and nature preserves;

(7) To conduct research, investigations, public hearings, and interpretative programs and to publish and disseminate in-

formation to the general public pertaining to nature preserves and other natural areas;

(8) To supervise the protection, management, and use of nature preserves and to enforce and administer its rules and regulations;

(9) To promote, study, investigate, recommend, advise, and assist in the preservation, protection, and management of natural areas and features within the borders of the Commonwealth, elsewhere than in dedicated nature preserves;

(10) To submit to the Governor and members of the General Assembly, a report on or before January 15, 1969, and by the same date each year thereafter, which shall account for the status and condition of each nature preserve in the system and each registered natural area, and make such other reports and recommendations as it may deem necessary.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

(1) A natural area which has been found by the commission to be suitable for inclusion in the system shall become a nature preserve upon its dedication by the owner of the land or of an interest or a right therein with the approval of the commission and the Governor. The dedication shall be evidenced by articles of dedication which shall be in such form as the commission may approve. The articles of dedication may, consistently with the purposes of this Act, define the respective rights and duties of the owner or custodian and the commission; contain provisions relating to management, development, use, public access, sale, or transfer; provide procedures to be applied in case of violation of their provisions; recognize or create reversionary rights; contain such other provisions as may be necessary or advisable; and vary in provisions from one nature preserve to another.

(2) The commission may, upon such terms and conditions as it may determine, and with the approval of the Governor and any owner of a dedicated interest therein, amend the articles of dedication of a nature preserve after giving public notice and holding a hearing and thereafter finding that such

amendment will not permit an impairment, disturbance, development, or use of the nature preserve inconsistent with the purposes of this Act.

(3) The commission shall cause the articles of dedication and any amendments thereto to be placed on the public record of deeds of the county or counties in which the nature preserve is located.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

An owner of an area which is dedicated as a nature preserve may retain custody thereof, or designate a custodian, subject to the rules and regulations of the commission. If the owner declines, is unable, or fails to administer and manage the nature preserve in accordance with the rules and regulations of the commission, the commission shall undertake such custodial functions as may be necessary for the protection, maintenance, and use of the nature preserve until the disability of the custodian is removed or a successor custodian is designated. Whenever feasible, the commission shall vest custody of a nature preserve in the owner or a person or agency other than the commission. The commission may, with the approval of the Governor, transfer custody or other interest or right in a nature preserve or other real property, when held by it, to another public agency within the Commonwealth of Kentucky provided that such transfer shall be for and consistent with the purposes of this Act and shall not affect the dedication of the nature preserve or the powers and duties of the commission.

Section 10. A new section of the Kentucky Revised Statutes is created to read:

Nature preserves are hereby declared to be held in trust, for those uses and purposes expressed in this Act which are not prohibited by their articles of dedication, for the benefit of the people of the Commonwealth of Kentucky of present and future generations. They are hereby declared to be put to their highest, best, and most important use for the public benefit. They shall be protected, managed, and used in a manner approved by, and subject to the rules and regulations established by the commis-

sion. They shall not be taken by condemnation or other means for any other use except another public use after a finding by the commission of the existence of an imperative and unavoidable public necessity for such other public use, with the approval of the Governor and any owner of a dedicated interest therein, and upon such terms and conditions as the commission may determine, except as may otherwise be provided in the articles of dedication. Before the commission shall make a finding of the existence of an imperative and unavoidable public necessity or shall grant or dispose of a nature preserve or grant a license, easement, or other interest or right therein, or shall amend any articles of dedication as provided in KRS Chapter 424.

Section 11. A new section of the Kentucky Revised Statutes is created to read:

Public departments, commissions, boards, counties, municipalities, public corporations, colleges, universities, and all other agencies and instrumentalities of the Commonwealth and its political subdivisions are empowered and urged to dedicate as nature preserves under the procedures provided in this Act suitable areas or portions of areas within their jurisdictions.

Section 12. A new section of the Kentucky Revised Statutes is created to read:

Nothing contained in this Act shall be construed as interfering with the purposes stated in the establishment of or pertaining to any national, state or local park, preserve, wildlife refuge, forest, or other area or the proper management and development thereof, except that any agency administering an area dedicated as a nature preserve under the provisions of this Act shall preserve it in accordance with the articles of dedication and the rules and regulations of the commission. Neither the dedication of an area as a nature preserve nor any action taken by the commission under any of the provisions of this Act shall void or replace any protective status under law which an area would have were it not a nature preserve, the protective provisions of this Act being supplemental thereto.

Committee Amendment to **HB 566** is as follows:

Amend printed copy of House Bill 566 on page 3, line 12, by:

inserting after the word "members" the words "chosen from persons with an interest in preserving natural areas and the general purposes of this Act"

page 4, below line 1, by creating a new subsection to read as follows:

"(h) One member shall be a member of the department of parks, appointed by the commission."

page 4, line 2, by renumbering "(h)" as "(i)" and by changing the word "three" to the word "two".

page 4, line 6, by renumbering "(i)" as "(j)"

page 4, line 26, by changing the word "three" to the word "five" and by inserting after the word "members." a new sentence to read as follows:

"Six members shall constitute a quorum for the transaction of business."

page 6, line 1, by: removing the word "condemnation" and by inserting the words "approved by the Governor" after the word "method".

page 7, line 19, by inserting after the word "hearing" the words "in accordance with the provisions of KRS Chapter 424"

page 9, line 12, by inserting after the word "in" the words "Section 8 of this Act, it shall give notice of such proposed action as provided in"

page 9, line 15, by removing the words "Public departments, commissions, boards," and inserting the words "All departments and commissions of the Commonwealth, public boards,"

HB 595, AN ACT relating to rivers, their tributaries and valleys.

WHEREAS, our wild rivers, their tributaries and valleys comprise an integral part of our heritage and natural resources;

WHEREAS, sound policy requires that, insofar as possible, public officials have available an assessment of these resources in advance of occasions for immediate decisions affecting alternative utilizations;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) That there be established the Kentucky Wild Rivers Study Commission to:

(a) Locate and designate selected quality scenic, wild, and semi-wild streams for study and possible preservation.

(b) Conduct preliminary surveys to inventory and define the quality, character, and present use of selected streams. Such surveys shall consider the scenic, historical, geological, archaeological and other scientific, recreational and aesthetic values of these waters.

(c) Develop or select a stream classification system based upon the stream inventory and Kentucky's needs.

(d) Prepare reports on these selected streams for consideration by the governor, legislature, interested groups and the public.

(2) The Kentucky Wild Rivers Study Commission shall be composed of five members who are knowledgeable and interested in the conservation and preservation of Kentucky's natural and historical resources. The members shall be appointed by the Governor for terms of four years and until their successors are appointed.

(3) The commission shall select one of its five members as chairman and may select such other officers deemed necessary to conduct the affairs of the commission.

(4) The commission may employ whatever assistants it considers necessary to carry out its responsibilities prescribed in this Act.

(5) The commission shall hold meetings as frequently and at such places and times as the commission may determine.

(6) Each member of the commission shall be entitled to

reimbursement for all expenses for travel, lodging and subsistence incurred in connection with attendance at meetings of the commission.

(7) All agencies of state government whose functions and responsibilities relate to the work of the commission are directed to cooperate with the commission.

(8) Expenditure of commission funds shall be in accordance with Chapter 45 of the Kentucky Revised Statutes.

(9) There is hereby appropriated out of the General Expenditure Fund $8,000 for the fiscal year ending June 30, 1969 and $8,000 for the fiscal year ending June 30, 1970 for the operation of the Kentucky Wild Rivers Study Commission.

HB 571, AN ACT relating to federal forest reserve appropriations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 149.130 is amended to read:

(1) All moneys paid to the state under an Act of Congress of May 23, 1908 (35 Stat. 260; 16 U. S. C. 500) as amended, and arising from any national forest reserve created in the state by the Federal Government, shall be paid over to the Department of Finance and be turned into the State Treasury. The Department of Finance shall keep a separate account of all funds so received.

(2) The treasurer of each county in which there is situated any part of a forest reserve owned by the United States shall ascertain and report to the Department of Finance the name and area of that part of each reserve located in his county. The Department of Finance shall apportion the amount received by reason of each reserve among the counties in which the reserve is located, according to the area of the reserve in each county. If a fund is received from a reserve which lies in only one county, it shall be apportioned to that county. The Department of Finance shall draw a warrant on the State Treasury in favor of the treasurer of each county for the amount apportioned to that county.

(3) The county treasurer shall place one-half of the funds to the credit of the *county general fund or* public roads of his county *in the discretion of the fiscal court* and the other half shall be distributed among the school districts in the county according to the area of the reserve in each school district.

SB 246, AN ACT relating to watercraft.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person engaged in the business of harboring, keeping or servicing any type of watercraft shall have a lien on the watercraft, for the reasonable or agree charges for keeping or storing the watercraft as long as it remain in his possession.

Any watercraft remaining in the possession of a person engaged in the business of harboring, keeping or servicing any type of watercraft and to whom the charges for keeping or servicing the watercraft have been owing for a period more than thirty lays, may be sold to pay such charges. The proposed sale shall be advertised pursuant to the provisions of KRS Chapter 424, and notice thereof shall be sent by registered mail to the owner of the watercraft and to any other person known to have any interest therein, addressed to such persons at their last known addresses, at least ten days before the sale is held.

SB 289, AN ACT relating to agricultural milk and its products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

It is declared to be in the interest of the public welfare that Kentucky farmers who are producers of milk and milk products, shall be permitted and encouraged to act jointly and in cooperation with all producers, handlers, dealers and processors of such products in promoting and stimulating, by advertising, research and other methods, the increased production, use

and sale, domestic and foreign, of any and all of such agricultural commodities.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(2) "Board" means the State Board of Agriculture;

(3) "Producer" means every person who produces milk or cream from cows and thereafter causes the same to be marketed as milk, cream or other dairy products;

(4) "New producer" means a producer who was not engaged in the business of producing milk at the time a referendum was conducted in accordance with the provisions of this Act;

(5) "Person" means any individual, corporation, partnership, association, cooperative or other business entity;

(6) "Milk" means milk from cows and all of its natural components, sweet cream, sour cream, skim milk, flavored milk, buttermilk, condensed or concentrated whole or skim milk for use in milk products of every kind and description;

(7) "Handler" or "Dealer" means any person, including any distributor, processor, bulk milk handler, or operator of a store, who purchases or receives on consignment or otherwise, milk and milk products of every kind and description, within the state, for sale, shipment, storage, processing, or manufacture;

(8) "Processor" means any person engaged in the business of processing milk and other material into milk products of every kind and description.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

No association, meeting or activity undertaken in pursuance of the provisions of this Act and intended to benefit all of the producers, handlers and processors of such agricultural commodity shall be deemed or considered illegal or in restraint of trade.

Section 4. A new section of the Kentucky Revised Statutes is created to tread as follows:

It is hereby further declared to be in the public interest and highly advantageous to the agricultural economy of the State that producers of milk and milk products on a commercial basis shall be permitted by referendum to be held among such respective groups and subject to the provisions of this Act, to levy upon themselves an assessment on such commodity and provide for the collection of the same, for the purpose of financing or contributing towards the financing of a program of promoting, advertising, research and other methods designed to increase the consumption, use and sale of, and the domestic as well as foreign markets for, such agricultural commodity.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any existing commission, council, board, association or other agency such as the American Dairy Association of Kentucky, fairly representative of the producers of such agricultural commodity herein referred to may at any time after the enactment of this Act make application to the State Board of Agriculture on forms prescribed by such Board for certification and approval for the purpose of conducting a referendum among the producers of such agricultural commodity, for commercial purposes, upon the question of levying an assessment under the provisions of this Act, collecting and utilizing the same for the purpose stated in such referendum. Such application forms shall include, but not be limited to, the following:

(a) Applicant's name;

(b) Applicant's address;

(c) Date;

(d) Program to be undertaken for producers;

(e) Brief statement of how program is to be implementated;

(f) Referendum to be conducted on a state wide or area basis;

(g) Proposed effective date of program;

(h) Geographic area (by counties) of producers to be affected by program;

(i) Signature of applicant.

(2) Upon receipt of such application, the Commissioner shall publish such application through the medium of the public press in the State within ten days of receipt thereof.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

Upon the filing with the State Board of Agriculture of such application on the part of any commission, council, board, association, or other agency of producers, the Commissioner shall within thirty days thereafter convene the State Board of Agriculture to consider such application; and if upon such consideration of said Board of Agriculture shall find that the commission, council, board or other agency making such application is fairly representative of and has been duly chosen and delegated as representative of the producers producing such commodity, and shall otherwise find and determine that such application is in conformity with the provisions of this Act and the purposes herein stated, then and in such an event it shall be the duty of the Commissioner of Agriculture to certify such commission, council, board, association or other agency as the duly delegated and authorized group or agency representative of the producers of such agricultural commodity, and shall likewise certify that such agency is duly authorized to conduct among the producers of such commodity a referendum for the purpose herein stated.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

Upon being so certified by the said Commissioner of Agriculture in the manner hereinbefore set forth, such commission, council, board or other agency shall thereupon be fully authorized and empowered to hold and conduct on the part of the producers of such agricultural commodity a referendum on the question of whether or not such producers shall levy upon themselves an assessment under and subject to and for the purpose stated in this Act. Such referendum may be conducted either on a state-wide or area basis.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

With respect to any referendum conducted under the provisions of this Act, the Commissioner of Agriculture shall, before calling and announcing such referendum, fix, determine and publicly announce at least thirty days before the date determined upon for such referendum, the date, hours and polling places for voting in such referendum, the effective date of the assessment, if adopted, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected if authorized by the producers, and the general purposes to which said amount so collected shall be applied; no annual assessment levied under the provisions of this Act shall exceed one and one-half percent of the value of the year's production of such agricultural commodity produced by any producer included in the group to which such referendum is submitted.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

The manner, conduct, and management of any referendum held under the provisions of this Act shall be under the supervision and direction of the Commissioner of Agriculture, and any and all expenses in connection therewith shall be borne by commission, council, board or other agency certified in accordance with the provisions of this Act.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

Any referendum conducted under the provisions of this Act may be held either on an area or state-wide basis, as may be determined by the certified agency before such referendum is called; and such referendum, on an area or state wide basis may be participated in by all producers engaged in the production of such agricultural commodity on a commercial basis, including owners of farms on which such commodity is produced, tenants and sharecroppers sharing in the proceeds of such commodity. In such referendum, such individuals so eligible for participation shall vote upon the question of whether or not there shall be

levied an annual assessment in the amount set forth in the call for such referendum.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

If, in such referendum called under the provisions of this Act, a majority of the producers in the area in which such referendum is conducted, eligible to participate and voting therein, shall vote in the affirmative and in favor of the levying and collection of such assessment proposed in such referendum on such agricultural commodity, then such assessment shall be collected in the manner determined and announced by the agency conducting such referendum.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

The hours, voting places, rules and regulations and the area within which such referendum herein authorized with respect to such agricultural commodity herein referred to shall be established and determined by the Commissioner of Agriculture; the said referendum date, area, hours, voting places, rules and regulations with respect to the holding of such referendum shall be published by the Commissioner conducting the same through the medium of the public press in the Commonwealth of Kentucky at least thirty days before the holding of such referendum, and direct written notice thereof shall likewise be given to each county or area agent, in any county in which such agricultural product is produced. Such notice shall likewise contain a statement of the amount of the assessment proposed to be levied, which assessment in any event shall not exceed one and one-half percent of the value of the year's production of such agricultural commodity grown by the producer included in the group to which such referendum is submitted, and shall likewise state the method by which such assessment shall be collected and how the proceeds thereof shall be administered and the purposes to which the same shall be applied, which purposes shall be in keeping with the provisions of this Act.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

The Commissioner of Agriculture shall likewise prepare and distribute in advance of such referendum all necessary ballots for the purpose thereof, and shall arrange for the necessary poll holders for conducting the said referendum; and following such referendum and within ten days thereafter the said commissioner shall canvass and publicly declare the result of such referendum.

Section 14. A new section of the Kentucky Revised Statutes is created to read as follows:

In the event a majority of the producers eligible for participation in such referendum and voting therein shall vote in favor of such assessment, then, upon the written request of the duly certified commission, council, board, association or other agency of producers of such agricultural commodity, the Commissioner shall notify forthwith, by registered or certified mail, all persons engaged in the business of purchasing such agricultural commodities in this State, that on and after the date specified in such letter, the specified assessment shall be deducted from the producer's payment by the purchaser, or his agent or representative, from the purchase price of such agricultural commodity. The assessment so deducted shall, on or before the fifteenth day of the month following the end of the month in which such commodity is sold to the purchaser, be remitted by such purchaser to the duly certified commission, council, board, association or other agency of the producers entitled thereto. Such funds, including donations from individuals, concerns, corporations and grants from the State or Governmental Agencies, shall be used for the purpose of promoting and stimulating, by advertising, research and other methods, the increased use and sale, domestic and foreign, of such agricultural commodity. The books and records of all such purchasers of such agricultural commodity shall at all times during regular business hours be open for inspection by the Commissioner of Agriculture or his duly authorized agents.

Section 15. A new section of the Kentucky Revised Statutes is created to read as follows:

In the event such referendum is carried in the affirmative and the assessment is levied and collected as provided herein,

any producer upon and against whom such assessment shall have been levied and collected under the provisions of this Act, if dissatisfied with said assessment and the result thereof, shall have the right to demand of and receive from the treasurer of said certified commission, council, board, association or other agency of producers a refund of such assessment so collected from such producer, provided such demand for refund is made in writing within thirty days from the date on which said assessment is collected from producer.

Section 16. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Board shall review the assessment program annually. If, at the end of each year after the first year of the assessment program, the Board determines that the producers in the referendum area representing fifty percent of the production of milk are not participating in the program, the Commissioner shall then conduct a referendum among the producers in such area. If, upon such referendum, a majority of the producers in such area, reject such program, it shall be terminated as at the end of the month in which such referendum for such area was conducted and held; otherwise such assessment program shall continue in force and effect.

(2) If the certified commission, council, board, association, or other agency of producers expresses in writing its desire to the Commissioner to discontinue the assessment program and terminate the same, the Commissioner shall within fifteen days following receipt of such request convene the Board to renew and act on such request. The Board, after reviewing such request and conducting whatever proceedings are deemed appropriate and necessary in connection with such request, may terminate such program effective at the end of the month in which such Board action is taken; and in this event the Commissioner shall by registered or certified mail the purchasers of such agricultural commodity of the termination of such program.

Section 17. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Whenever in the judgment of the Board or the certi-

fied commission, council, board, association or other agency of producers, a purchaser has engaged in or is about to engage in any acts or practices that constitute a violation of any of the Sections of this Act, the Board or the certified commission, council, board, association or other agency of producers may make application to the Franklin Circuit Court for an order enjoining such act or acts or practices and obtain a restraining order and preliminary injunction against such purchaser.

(2) Any purchaser of the agricultural commodity covered in this Act who violates or fails or refuses to comply with any provision of this Act shall upon conviction be fined not less than twenty-five dollars nor more than fifty dollars for each offense; each day of violation, or failing or refusing to comply with the provisions of this Act shall constitute a separate offense.

SB 331, AN ACT relating to food products containing no dairy ingredients made in semblance of milk and milk products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

The General Assembly hereby finds and declares that uniform sanitary requirements, product standard of identity, and labeling requirements are needed for food products containing no dairy ingredients made in semblance of milk and milk products offered for sale within the Commonwealth of Kentucky. Regulations promulgated by the State Board of Health setting sanitary requirements, product standards of identity and labeling requirements shall be applicable throughout the Commonwealth.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act the following terms shall have the meanings set forth below:

(1) "Broad" means the State Board of Health;

(2) "Department" means the State Department of Health;

(3) "Person" includes individual, partnership, corporation, and Association;

(4) "Food products containing no dairy ingredients made in semblance of milk or milk products" means and includes any combination of edible fats or oils other than milk fat combined with edible food grade solids other than milk solids-not-fat and other optional ingredients permitted by regulation of the Board so that the resulting product is in semblance of any defined milk or milk product whether fluid, semi-fluid, or solid.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

(1) It shall be unlawful for any person who does not possess a valid and effective permit issued by the Department to manufacture, distribute, bring into, send into, or receive into the Commonwealth of Kentucky, or its police jurisdiction for sale in the Commonwealth of Kentucky, a food product containing no dairy ingredient made in semblance of any milk or milk product, or for any person so manufacturing, distributing, bringing into, sending into, or receiving into the Commonwealth, or its police jurisdiction for purposes of sale in the Commonwealth of Kentucky a food product containing no dairy ingredient made in semblance of any milk or milk product to sell or offer for sale such product. Persons selling under private brand label food products made in semblance of any milk or milk product shall be classed as a distributor. Permits shall not be transferrable with respect to persons and/or locations. Permits shall expire June 30th following the date of issuance unless sooner revoked or suspended for cause, or for nonpayment of fees. Only a person who complies with the requirements of this Act and the regulations adopted by the Board hereunder shall be entitled to such a permit.

(2) All persons issued a permit pursuant to this section shall pay a permit fee of five cents per hundred weight of finished product sales. Such fees shall be paid to the Department monthly or such other time as may be designated by the Department.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) Standards of identity and labeling requirements for food products containing no dairy ingredient made in semblance of milk and milk products shall be promulgated by the State Board of Health as provided for by KRS 217.005 to KRS 217.215 and KRS 217.992 (the Kentucky Food, Drug and Cosmetic Act); Provided, however, that good products containing no dairy ingredient made in semblance of milk or milk products shall not be labeled or represented as a milk or milk product or as an imitation of a milk or milk product. The State Board of Health shall also adopt such other rules and regulations as may be necessary for the proper administration and enforcement of this Act.

(2) All proposed labeling for food products containing no dairy ingredients made in semblance of milk or milk products shall be submitted for registration and approved by the State Department of Health prior to such products being offered for sale within the State. The State Department of Health shall collect a registration fee of ten dollars for each label registered.

(3) All sanitary and bacteriology examination of food products containing no dairy ingredient made in semblance of milk and milk products shall be submitted in accordance with regulations of the State Board of Health to the State Department of Health laboratory or to a laboratory approved by the State Department of Health. The State Department of Health shall collect a reasonable fee set by regulation of the Board for each sample collected and analyzed or caused to be analyzed.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

All fees and charges and other monies collected by the State Department of Health under the provisions of this Act and the rules and regulations of the State Board of Health adopted hereunder shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Department in carrying out the provisions of this Act. No part of this fund shall revert to the general fund of the Commonwealth.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

(1) In order to properly inform the consumer if food products containing no dairy ingredients made in semblance of milk and milk products are served in restaurants or other food service establishments other than in an individual container properly labeled the menu or common container shall state the common or usual, or fanciful name of the food product used in semblance of a milk or milk product;

(2) To avoid confusion on the part of the consumer when food products containing no dairy ingredients made in semblance of milk or milk products are offered for sale at retail they shall be completely separated in all display areas from all milk and milk products.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

Any person who violates any provision of this Act, or any rule or regulation adopted thereunder, or who fails to comply with an order of the State Department of Health issued pursuant thereto, shall be fined not less than one hundred dollars, nor more than five hundred dollars. Each day of violation or noncompliance shall constitute a separate offense.

Section 8. This Act shall become effective July 1, 1968.

The Committee on Agriculture and Natural Resources reported **HB 532** without expression of opinion.

The Committe on Education reported **HB 558** with Committee Amendment attached thereto, **HB 559, HB 585, HB 562, HB 563, HB 561** and **HB 574** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 558, AN ACT requiring instruction on the nature and effect of beverage alcohol in public and private schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 157.270 is amended to read as follows:

(1) The State Board of Education shall adopt rules and regulations and, with the assistance of the State Department of Health, shall formulate, promote, establish, and execute policies, plans and programs relating to the instruction in public and nonpublic schools of the nature and injurious effect of beverage alcohol upon the physical, emotional, and social health of the individual. Instruction shall be given in grades 7 through 12 and in such other grades as may be designated by the rules and regulations of the State Board of Education. Instruction shall be either by an assembly program or classroom instruction, preferably in related fields, such as health, science or social studies. The time allotted for such instruction shall not be less than 4 hours per school year but may be more, if so provided by the rules and regulations of the State Board of Education.

(2) Compliance with the provisions of this act and the regulations adopted pursuant thereto, shall be deemed as requisite for accreditation from the State Department of Education.

[(1) The nature of alcoholic liquor and of narcotics and their injurious effects on the human system shall be taught in each of the grades, four to ten inclusive, of the common schools. It shall be the duty of the superintendent and principal of every school and the president of every university, college or academy to have presented for a period of 30 minutes to the entire student body in assembly, at least on two occasions each term or semester by an appropriate program, the scientific, social and moral aspects of alcoholic beverages, stimulants and narcotics.]

[(2) The failure of any superintendent, principal or teacher to comply with the terms of this act shall be deemed a cause for the revocation of his contract of employment, and upon notice to the Board of Education employing such superintendent, principal or teacher that he has failed to do so it shall be the duty of said Board to conduct a hearing and if the charge be proved to dismiss or discharge said superintendent, principal or teacher.]

[(3) When text books on physiology and hygiene shall be hereafter adopted or approved for the schools, such books shall contain a substantial text, to be approved by the Superintendent

of Public Instruction, devoted to the nature of alcoholic liquors and narcotics and their effect upon the human system.]

Committee Amendment to *HB 558* is as follows:

Amend printed copy of House Bill 558, by:

on page 1, line 3, by inserting after the words "Department of" the word "Mental".

and on page 1, line 6, by deleting the word "injurious".

and on page 1, lines 6 and 7, by inserting after the word "alcohol" the word "and narcotics".

HB 559, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 157.420 is amended to read as follows:

Public school foundation program funds made available to the credit of each district during any year, together with the funds required from local tax effort, shall be received, held and expended by the district board, subject to the provisions of law and regulations of the State Board of Education. The following restrictions shall govern the expenditure of funds from the public school foundation program fund:

(1) The teachers' salaries allotment for each district from the public school foundation program fund and from local sources shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the public school foundation program fund allotment for that rank as established in subsection (2) of KRS 157.390, and no teacher shall be paid less than ninety-five percent of the public school foundation program fund allotment for that rank provided, however, that no teacher in Rank III shall be paid less than [$4500] *$5000* for full-time service during the regular school year.

[(2) The State Board of Education shall not approve any working budget or salary schedule for local boards of education for any school year in which the total amount budgeted for

teachers' salaries is not equal to an amount required to maintain the district's salary schedule of the preceding year plus the additional amount for teacher's salaries and guarantees received by the district.]

[(3)] *(2)* The capital outlay allotment for each district from the public school foundation program fund and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the Superintendent of Public Instruction in accordance with requirements of law, and based on a survey made in accordance with rules and regulations prescribed by the State Board of Education. These funds shall be used for the following capital outlay purposes:

(a) For direct payment of construction costs;

(b) For debt service on voted and funding bonds;

(c) For payment or lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For the retirement of any deficit resulting from overexpenditure for capital construction, if such deficit resulted from an emergency declared by the State Board of Education under KRS 160.550;

(e) As a reserve fund for the above named purposes, to be carried forward in ensuing budgets; provided, however, if any district has a special levy for capital outlay or debt service that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above named purposes, the Superintendent of Public Instruction, under regulations of the State Board of Education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

[(4)] *(3)* If a survey shows that a school district has no capital outlay needs as shown in paragraphs (a), (b), (c) and (d) above, upon approval of the Superintendent of Public Instruction, these funds may be used for school plant maintenance, repair, insurance on buildings, and replacement of equipment.

HB 585, AN ACT relating to interstate agreement on qualification of educational personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The Interstate Agreement on Qualification of Educational Personnel is hereby enacted into law and entered into with all jurisdiction legally joining therein, in the form substantially as follows:

ARTICLE I. PURPOSE, FINDINGS, AND POLICY

1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party States find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Compact can increase the availability of educational manpower.

ARTICLE II. DEFINITIONS

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

2. "Designated State official" means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

4. "State" means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Artcle III.

ARTICLE III.
INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS

1. The designated State official of a party State may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated state officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pur-

suant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own State.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

(c) Such waivers, substitutions, and conditional acceptance as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

6. A contract committee composed of the designated state officials of the contracting States or their representatives shall keep the contract under continuous review, study means of im-

proving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

ARTICLE IV. APPROVED AND ACCEPTED PROGRAMS

1. Nothing in this Agreement should be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

ARTICLE V. INTERSTATE COOPERATION

The party States agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

ARTICLE VI. AGREEMENT EVALUATION

The designated state officials of any party State may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendation for changes.

ARTICLE VII. OTHER ARRANGEMENTS

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

ARTICLE VIII. EFFECT AND WITHDRAWAL

1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any State participating therein, the Agreement shall remain in full force and effect as to the State affected as to all severable matters.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The "designated State official" for this State shall be the Superintendent of Public Instruction. The Superintendent of Public Instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the State Board of Education.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

True copies of all contracts made on behalf of this State pursuant to the Agreement shall be kept on file in the office of the Superintendent of Public Instruction and in the office of the Secretary of State. The Superintendent of Public Instruction shall publish all such contracts in convenient form.

HB 562, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 157.380 is amended to read as follows:

(1) On or before [July 1] *January 1* of each year the Department of Revenue shall determine the [aggregate assessed] *fair cash* value of all property subject to assessment for school [tax] purposes, *including a separate listing of the part of such assessment represented by "net assessment growth" as defined in KRS 132.425,* and shall determine the percentage the [equalized] *fair cash* value [of property] in each district is of the total equalized value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district *for the fiscal year beginning on July 1, next after such certification.* [In school districts where the required local tax effort includes assessments on which tax payments may be legally deferred, the local district board of education may request the State Board of Education to adjust the assessment of such property in order to reduce the required local tax effort during any year in which the estimated taxes to be received are at least fifteen percent less than the taxes that would be received if tax payments were on a current basis. Upon receipt of such request, the State Board of Education shall ask the Department of Revenue to verify the fact that the request is reasonable and that on the basis of the best information available, the taxes to be received will be at least fifteen percent less than the taxes that would be received if paymnts were on a current basis. If the request is approved by the State Board of Education and the Department of Revenue, the following procedure shall be followed by the Department of Revenue in adjusting assessments on such property for purposes of this section:

(a) Determine the revenue the district can reasonably expect to receive from tax payments on property on which deferred tax payments are permitted by law.

(b) Calculate the adjusted assessed valuation of property to be used for purposes of this section by dividing the revenue the district expects to receive by the local tax rate in dollars and multiply the quotient by 100.

(c) Differences between estimated and actual receipts in any fiscal year shall be carried forward to the next fiscal year and reflected in the receipts for that year in calculating adjusted assessments for property subject to deferred tax payments.

(d) An accurate record of adjusted assessments shall be kept from year to year in order that the local school district may be put on an actual assessment basis as soon as possible for purposes of this section.

(2) If such assessment has not become final by July 1 of any year, the Department of Revenue shall, on the basis of other information as may be available, make an estimate of the assessment of all property subject to local school tax in each school district and the estimate shall be used in lieu of the aggregate assessed value.

(3) Except as provided in subsection (1) of this section, in determining the required local tax effort for districts which participate in the public school foundation program fund, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes by one hundred and multiply the quotient thereof by one dollar and ten cents for the fiscal year 1965-1966, provided, however, for the fiscal year 1966-1967 and each year thereafter, the aggregate required local effort for all the school districts shall be increased or decreased by the percentage the aggregate net assessment growth as defined in KRS 132.425 is of the preceding year's total equalized value of all property subject to taxation for school purposes. The product thereby obtained shall be multiplied by each district's percentage of the total equalized value of all property in the Commonwealth subject to taxation for school purposes.]

(2) The Superintendent of Public Instruction shall for the 1968-69 fiscal year use the aggregate required local tax effort and the required local tax effort for the respective school districts which were determined for use during the 1967-68 fiscal year. For each fiscal year subsequent to 1968-69, the aggregate required local tax effort for the Commonwealth shall be the sum of the aggregate required local tax effort for the preceding year plus the amount obtained by multiplying the percentage of net assessment growth, as defined in KRS 132.425, by the aggregate local required tax effort for the preceding year; and the required local tax effort for each district shall be obtained by multiplying each district's percentage of the total equalized value of all property in the Commonwealth subject to school taxation for school purposes by the aggregate required local tax effort of the Commonwealth.

[4] (3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

HB 563, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 157.390 is amended to read as follows:

(1) (a) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in rank as follows:

Rank I. Those holding regular certificates and who have a master's degree and who have earned thirty semester hours of additional approved graduate work, and those teachers who, as of September 1, 1962, were included in Rank 1, having earned twenty-four semester hours of additional approved graduate work.

Rank II. Those holding regular certificates and who have a master's degree or its equivalent.

Rank III. Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV. Those holding certificates and who have ninety-

six to one hundred and twenty-eight semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank for calculation of the amount to be included in the foundation program.

Rank V. Those holding certificates and who have sixty-four to ninety-five semester hours of approved college training or the equivalent.

Rank VI. Those holding certificates and who have thirty-two to sixty-three semester hours of approved college training or the equivalent; provided, however, that effective July 1, 1965, no teacher in Rank VI shall be included in the foundation program.

Rank VII. Those holding certificates and who have fewer than thirty-two semester housr of approved college training or the equivalent; provided, however, that effective July 1, 1964, no teacher in Rank VII shall be included in calculating the amount to be included in the foundation program.

(b) In determining ranks, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2) The amount to be included in the [1966-67] *1968-69* school year in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule for each rank:

[Rank	I	II	III	IV	V
Experience					
0-3 Years	$5300	$5000	$4700		
4.9 Years	5550	5250	4950		

10 years & Over	5650	5350	5050		
				2900	
					2600]

Rank

Experience	*I*	*II*	*III*	*IV*	*V*
0-3 Years	*$5950*	*$5550*	*$5150*	*$2900*	*$2600*
4-9 Years	*6550*	*6150*	*5750*	*2900*	*2600*
10 Years & Over	*6900*	*6500*	*6100*	*2900*	*2600*

Beginning with the school year [1967-68] *1969-70,* the amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:

[Rank	I	II	III	IV	V
Experience					
0-3 Years	$5550	$5250	$4950		
4-9 Years	6050	5750	5450		
10 Years & Over	6200	5900	5600		
				$2900	
					$2600]

Rank

Experience	*I*	*II*	*III*	*IV*	*V*
0-3 Years	*$6125*	*$5675*	*$5225*	*$2900*	*$2600*
4-9 Years	*7025*	*6575*	*6125*	*2900*	*2600*
10 Years & Over	*7550*	*7100*	*6650*	*2900*	*2600*

Provided, the amount to be included for vocational units, supervisory units, and units for administrators, directors of pupil personnel and special instructional services shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the Superintendent of Public Instruction under regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of KRS 157.310 to KRS 157.440, the number to be included in each rank shall be in the same ratio that

the number of teachers actually in each rank is to the total number of teachers employed.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by [nine hundred dollars.] *one thousand one hundred dollars for school year 1968-69 and by one thousand four hundred dollars for school year 1969-70.*

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by [six hundred dollars.] *seven hundred dollars for school year 1968-69 and by one thousand two hundred dollars for school year 1969-70.*

(5) The amount to be included in the foundation program of each district for transportation shall be determined by multiplying the aggregate attendance of transported children by the allowable cost per pupil per day for that district determined in accordance with the provisions of KRS 157.370.

(6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections (2), (3), (4), and (5) of this section.

HB 561, AN ACT relating to the shipping and insurance charges on books adopted for school use.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall have the authority to require the publishers to pay the shipping and insurance charges on the books approved and listed by the State Textbook Commission and adopted for school use by the state adoption units.

(2) The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall have the authority to stipulate conditions on which the shipping and in-

surance charges on books are paid by the publishers from their shipping points to the delivery points of the adoption units. The state adoption units shall include the county and independent school districts, the state model and practice schools, and the other state institutions for which books, designated by the State Textbook Commission, are furnished by the state.

HB 574, AN ACT relating to sick leave for teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.155 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the purpose of this section, "teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state.

(2) Each district board of education shall allow to each teacher in its common school system not less than ten days' sick leave during each school year, without deduction of salary, provided he presents a personal affidavit or a certificate of a reputable physician stating that he was ill on the day or days absent.

(3) Any days of sick leave not taken during any school year shall accumulate and may be taken in any subsequent school year or years, except that no teacher shall be entitled to take more than twenty days of accumulated sick leave unless the district board of education, in its discretion, authorizes a greater number of days to be accumulated. Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section.

(4) Each district board of education may adopt regulations under which any teacher may use accumulated sick leave days for personal reasons of an emergency or extraordinary nature, not to exceed three days per school year.

(5) Each district board of education may adopt regulations to compensate teachers in its common school system for all or any portion of their accumulated sick leave upon retirement and after at least fifteen years service.

The Committee on Education reported **HB 523** and **HB 544** without expression of opinion.

Senate Message

Announcing passage of **HB 260, SB 115, SB 141, SB 153, SB 160, SB 245, SB 267, SB 271, SB 279, SB 280, SB 296** and **SB 316.**

Calendar

SB 70, HR 86, HB 308, HB 310, HB 354, HB 533, HB 452, HB 520, HB 487, HB 530, HB 577, HB 447, HB 521, HB 456, SB 45, SB 96, SB 249, SB 192, SR 39, HB 355, HB 489, HB 469, HB 515, HB 81, HB 143, SB 173, HB 345, HB 268, HB 465, HB 466, HB 493, and **HB 586** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Motions, Petitions, and Communications

Representative Prather moved that **SB 75** be given first reading, report of the Committee on Appropriations and Revenue notwithstanding.

On the roll call the vote was yeas 75—Alexander, Allen, Arnett, Baker, Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Clapp, Clark, Coffey, Cox, Cruse, Curlin, Dawhare, DeMarcus, Floyd, Halleck, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Siemens, Simmons, Smith, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 3—Bamberger, Russell, Wheeler.

The motion that **SB 75** be given first reading, report of the Committee on Appropriations and Revenue notwithstanding, was adopted.

Recess

Representative W. J. Reynolds moved that the House recess for ten minutes for Majority Party Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

HB 226, HB 255, HR 76, HB 209 and **HB 233** delivered, signed by President. Ordered delivered to the Governor.

Orders of the Day

Representative Morgan moved that consideration of **HB 399** be resumed. Agreed.

Representative Ball requested that the motion to lay **HB 399** on the Clerk's desk be withdrawn. Agreed.

Representative Clark moved that the vote by which Amendment No. 5 to **HB 399** was adopted on March 5, 1968, be reconsidered.

On the roll call the vote was yeas 59—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Holbrook, Huff, Irick, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter Lawson, Louden, Massey, McKinney, Melton, Robert L. Miller, Mitchell, Rattliff, Russell Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 34—Allen, Blandford, Blume, Brown, Bruce, Carroll, Curlin, Dawhare, Denham, Hampton, Hardin, Hoffman, Hopkins, Hunt, Isler, James, Justice, Keene, Kidd, King, May, McBrayer, McNamara, Mershon, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster.

Amendment No. 5 to **HB 399** was defeated.

The Speaker announced that the previous vote on March 5, 1968, on Amendment No. 5 to **HB 399** was revoked.

Representative McBrayer moved the adoption of the following Amendment No. 6 to **HB 399:**

Amend printed copy of House Bill 399 on page 8,, by:

following line 9 by inserting the following new material:

"Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

There is excluded from the computation of the amount of taxes imposed by this Part of this Act prescription drugs and edible and nonalcoholic potable items sold for off-premise human consumption,"

and on page 8, line 10, by renumbering "Section 11." as "Section 12."

On the roll call the vote was yeas 41—Alexander, Allen, Blandford, Blume, Brown, Bruce, Carroll, Curlin, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, James, Justice, Kidd, King, May, McBrayer, McGill, McNamara, Mershon, Mitchell, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 51—Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clark, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Irick, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Lawson, Louden, Massey, McKinney, Melton, R. L. Miller, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 6 to **HB 399** was defeated.

Representative Brown moved the adoption of the following Amendment No. 7 to **HB 399:**

Amend printed copy of House Bill 399 on page 8, by:

following line 9 by inserting the following new material:

"Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

There is excluded from the computation of the amount of taxes imposed by this Part of this Act edible and non-alcoholic potable items sold for off-premise human consumption."

and on page 8, line 10, by renumbering "Section 11." as "Section 12."

On the roll call the vote was yeas 43—Alexander, Allen, Blandford, Blume, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Dawhare, Denham, Hampton, Hardin, Henry, Hoffman, Hopkins, Hunt, Isler, James, Justice, Keene, Kidd, King, Massey, May, McBrayer, McGill, McNamara, Mershon, Mitchell, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 46—Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Huff, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, McKinney, Melton, R. L. Miller, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 7 to **HB 399** was defeated.

Representative Murphy moved the adoption of the following Amendment No. 8 to **HB 399:**

Amend printed copy of House Bill 399 on page 8, by:

following line 9 by inserting the following new material:

"Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

There is excluded from the computation of the amount of taxes imposed by this Act prescription drugs."

and on page 8, line 10, by renumbering "Section 11." as "Section 12."

On the roll call the vote was yeas 47—Alexander, Allen, Blandford, Blume, Brown, Bruce, Carroll, Clapp, Curlin, Dawhare, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Justice, Keene, Kidd, King, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Mitchell, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 47—Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel,

Blythe, Bowles, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, McKinney, Melton, R. L. Miller, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 8 to **HB 399** was defeated.

Representative Denham moved that the vote by which Amendment No. 8 to **HB 399** was defeated be reconsidered.

On the roll call the vote was yeas 45—Alexander, Allen, Blandford, Blume, Brown, Bruce, Carroll, Clapp, Curlin, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Maddox, May, McBrayer, McCallum, McGill, McNamara, Mershon, Mitchell, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 49—Akers, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clark, Coffey, Cox, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Massey, McKinney, Melton, R. L. Miller, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion that the vote by which Amendment No. 8 to **HB 399** was defeated be reconsidered was rejected.

Representative Blume moved the adoption of the following Amendment No. 9 to **HB 399:**

Amend printed copy of House Bill 399 on page 8, by:

inserting between lines 18 and 19 the following:

Section 12. KRS 139.480 is hereby repealed.

On the roll call the vote was yeas 12—Alexander, Blume, Clapp, Hunt, James, Kidd, Morgan, Murphy, Ray, W. J. Reynolds, Saylor, Siemens. Nays 57—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Coffey, Cox, Cruse, W. F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck,

Harper, Henry, Hinkle, Hoe, Hopkins, Huff, Isler, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, May, McKinney, Melton, R. L. Miller, Mitchell, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Walters, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 9 to **HB 399** was defeated.

Representative Blandford moved the adoption of the following Amendment No. 10 to **HB 399:**

Amend printed copy of House Bill 399 on page 28, line 19, by: inserting after line 19 the following new section:

"Section 4. KRS 47.020 is amended to read as follows:

(1) Thirty percent of all revenue raised by the tax imposed by subsections (3) through (13) of KRS 186.050 shall be evenly distributed among all the counties for the county road funds.

(2) Two dollars and fifty cents from each registration fee collected under subsection (1) of KRS 186.050 shall be returned to the county in which the fee is collected for the county road fund.

and on page 28, line 20, by renumbering "Section 4" as "Section 5".

On the roll call the vote was yeas 41—Alexander, Blandford, Blume, Brown, Bruce, Carroll, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lassiter, Maddox, Massey, May, McBrayer, McNamara, Mershon, Mitchell, Murphy, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 46—Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clark, Coffey, Cox, Cruse, W. F. Davis, DeMarcus, Floyd, Halleck, Harper, Hoe, Huff, Johnson, Jones, Keith, Kessinger, Lankford, Lawson, McKinney, Melton, R. L. Miller, Morgan, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 10 to **HB 399** was defeated.

Representative Murphy moved that the House adjourn until 1:00 p.m., Thursday, March 7, 1968.

On the roll call the vote was yeas 21—Blandford, Blume, Brown, Bruce, Dawhare, Hardin, Hunt, James, Kidd, King, McBrayer, Mershon, Murphy, Prather, Ray, W. J. Reynolds, Siemens, Tobin, Walters, Webster, Wells. Nays 53—Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clark, Cox, Cruse, W. F. Davis, DeMarcus, Denham, Floyd, Halleck, Harper, Hoe, Huff, Irick, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Maddox, May, McCallum, McKinney, Melton, R. L. Miller, Morgan, Peace, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion to adjourn was rejected.

Representative Siemens moved that the House recess for thirty minutes for committee meetings.

On the roll call the vote was yeas 22—Blandford, Blume, Brown, Bruce, Curlin, Hardin, Hoffman, Holbrook, Hunt, James, Kidd, King, McBrayer, McGill, Mershon, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters. Nays 52—Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clapp, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Denham, Floyd, Halleck, Harper, Hoe, Huff, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Maddox, McCallum, McKinney, Melton, R. L. Miller, Morgan, Peace, Rattliff, R. Reynolds, Richey, Riddle, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion to recess was rejected.

On the roll call the vote was yeas 56—Akers, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hinkle, Hoe, Holbrook, Irick, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Massey, McKinney, Melton, Robert L. Miller, Morgan, Pettit, Rattliff, Russell Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley,

Wheeler, White, Wolchik, Wooley, Wright. Nays 41—Alexander, Allen, Blandford, Blume, Brown, Bruce, Carroll, Clapp, Curlin, Denham, Hampton, Hardin, Henry, Hoffman, Hopkins, Huff, Hunt, Isler, James, Justice, Keene, Kidd, King, Maddox, May, McBrayer, McCallum, McGill, McNamara, Mershon, Mitchell, Murphy, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster, Wells.

HB 399 as amended was passed and the title agreed to.

Representative Ball moved that the vote by which **HB 399** as amended be reconsidered and said motion be laid on the table. Agreed.

Statement

A recent finding in my District, which is in the heart of Appalachia, is that a number of my people can not meet the minimum needs—and the five-cent sales tax hits this group of little people the hardest. Therefore, since this body has refused to exempt the necessities of food and medicine, etc., I must vote no on this sales tax bill. To impose this burden on the poor people of my District and the other poor people of this State is criminal.

W. J. (Bill) Reynolds

Representative W. J. Reynolds moved that this statement be inserted in the Journal. Agreed.

Representative Hardin requested that he be permitted to change his vote from "yea" to "nay" on **HB 400.** Agreed.

Representative Morgan moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions

HR 91, by Representatives Morgan, Clark, McBrayer, R. L. Miller, Hinkle, McNamara, Baker, Blythe, Melton, Jones, Curlin, McGill, Russell, Stuart, Kessinger, Denham, Ballenger, Blume, Kidd, Vanover, Siemens, Cruse, Tobin, Wright and Ray: A JOINT RESOLUTION directing the maintenance of the University of Louisville as a state institution and authorizing the Boards of Trustees of the University of Louisville and the Uni-

versity of Kentucky to develop a plan for closer affiliation of the two institutions.

HR 92, by Representative Stuart: A JOINT RESOLUTION recognizing area consistency in the Commonwealth of Kentucky.

HB 604, by Representative White: AN ACT relating to salaries.

HB 605, by Representative Stuart: AN ACT relating to the co-ordination of programs concerned with the development of the state, and providing for the establishment of the Kentucky Program Development Office.

HB 606, by Representative Stuart: AN ACT relating to area development in the Commonwealth of Kentucky.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Elections and Constitutional Amendments: **HB 600, SB 280.**

Health and Welfare: **HB 601, HB 602.**

Business Organizations and Professions: **HB 603.**

Cities: **HB 604, SB 141.**

State Government: **HB 605, HB 606, HR 90, HR 92, SB 245, SB 316.**

Education: **HR 91, SB 267.**

Banking and Insurance: **SB 115, SB 271.**

Judiciary: **SB 153.**

Counties and Special Districts: **SB 160, SB 279.**

Labor and Industry: **SB 296.**

Representative Morgan moved that the Rules be suspended for first reading of a Bill. Agreed.

First Reading

SB 75 was read at length for the first time and ordered placed in the Calendar.

SB 75, AN ACT relating to revenue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.344 of the Kentuck yRevised Statutes is amended to read as follows:

[(1)] Any person who shall purchase gasoline, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall *receive an exemption* [be reimbursed] to the extent of ninety percent of the tax *charged* [so paid] on such gasoline; provided, however, that no *exemption* [refund] shall be authorized unless applications therefor and all necessary information shall be filed with the Department of Revenue *and said department shall issue to the application, if qualified, a permit authorizing the applicant to receive the exemption* [within ninety days after the close of a calendar year during or in which such purchases were made; or at any time during the calendar year during or in which such purchase was made]; and further provided that no *exemption* [refund] shall be authorized for purchases of less than fifty gallons.

[(2) The only information to be required from the permit holder, by the Department of Revenue, in order that such refund may be allowed, is as follows:

(a) Name and address of permit holder _____ permit number _____

(b) Total number of gallons purchased _____ and total purchase price _____ (Invoice to be attached to refund application)

(c) Total number of gallons used in tractors on highways _____

(d) Total number of gallons on which refund is claimed _____ (Line b minus line c).]

Section 2. Section 138.345 of the Kentucky Revised Statutes is amended to read as follows:

No person shall secure *an exemption* [a refund] of tax under KRS 138.344 unless such person is the holder of an unrevoked *exemption* [refund] permit issued by the Department of Revenue before the purchase of the gasoline, which permit shall entitle such person to *receive an exemption* [make application for a refund] under KRS 138.343 to 138.357. To procure a permit every such person shall file with the department an application under oath, on forms furnished by the department, setting forth such information incident to the *exemption* [refunding] of the tax *to be* paid on gasoline as the department may require. Such application shall be filed with the department at least fifteen days before the date when the permit is to become effective.

Section 3. Section 138.346 of the Kentucky Revised Statutes is amended to read as follows:

The department may, if the applicant for *an exemption* [a refund] permit has violated any provision of KRS 138.343 to 138.357 or regulation pursuant thereto, or has been convicted of bribery, theft or false swearing within the period of five years preceding the application, or if the department has evidence of the applicant's financial irresponsibility, require the applicant to execute a corporate surety bond of one thousand dollars to be approved by the department, conditioned upon the payment of all taxes, penalties and fines for which such applicant may become liable under KRS 138.343 to 138.357.

Section 4. Section 138.347 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each licensed gasoline dealer shall, in accordance with the department's requirements, keep at his principal place of business in this state a complete record of all such gasoline sold by him under gasoline *exemption* [refund] invoices provided for in KRS 138.351, which records shall give the date of each such sale, the number of gallons sold, the name of the person to whom sold and the sale price.

(2) Every person to whom *an exemption* [a refund] permit has been issued under KRS 138.345 shall, in accordance with the

department's requirements, keep at his residence or principal place of business in this state a record of each purchase of gasoline from a licensed dealer or the dealer's authorized agent, the number of gallons purchased, the name of the seller, and the date of purchase.

(3) The records required to be kept under subsections (1) and (2) of this section shall at all reasonable hours be subject to inspection by the department or by any person duly authorized by it. Such records shall be preserved and shall not be destroyed until one year after the date the gasoline to which they relate was sold and purchased.

Section 5. Section 138.348 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department may require any dealer or any dealer's authorized agent to identify *exemption* [refund] gasoline sold by him by adding thereto any chemical or substance, which shall be furnished by the department and used in the manner as prescribed by the department.

(2) *Exemption* [Refund] gasoline shall not be sold in quantities of less than fifty gallons. The *exemption* [refund] permit holder shall receive and store all such gasoline in containers plainly marked with distinguishing letters *"Exemption* [Refund] Gasoline," and shall keep such containers on his premises accessible to agents of the department and separate from other gasoline stored on his premises.

(3) Agents of the department are authorized to go upon the premises of any permit holder or of any licensed gasoline dealer or his authorized agent as defined in KRS 138.343 to make inspections to ascertain any matter connected with the operation of KRS 138.343 to 138.357 or the enforcement thereof; provided. however, that no agent shall enter the dwelling of any person without the occupant's consent or the authority from a court of competent jurisdiction.

Section 6. Section 138.349 of the Kentucky Revised Statutes is amended to read as follows:

No person shall execute a gasoline *exemption* [refund]

invoice, as described in KRS 138.351, who is not a dealer, as defined in subsection (2) of KRS 138.210 or a sub-jobber duly authorized by a licensed dealer, to execute gasoline *exemption* [refund] invoices as his agent. In no instance shall *exemption* [refund] invoices be executed for purchases from retail filling stations.

Section 7. Section 138.351 of the Kentucky Revised Statutes is amended to read as follows:

(1) When gasoline is sold to a person who shall claim to be entitled to *an exemption* [refund] under KRS 138.344, the seller of such gasoline shall make out in duplicate, with double back carbon, a gasoline *exemption* [refund] invoice supplied by the department, which invoice shall have printed thereon that the liability to the Commonwealth of Kentucky for the excise tax imposed under KRS 138.220 with respect to such gasoline has been assumed by the seller and that said excise tax has already been paid or will be paid by the seller when the same shall become payable, a statement setting forth the name and address of the purchaser, the number of gallons of gasoline so sold, the proposed use for which such gasoline is purchased, and such other information as the department shall require. The original of such gasoline *exemption* [refund] invoice shall be given to the purchaser and the duplicate shall be retained by the seller.

(2) The *seller of exemption gasoline* [refund permit holder] shall file with the department an application for refund on forms furnished by the department, stating the quantity of gasoline *sold* [used] for the purposes as set out in KRS 138.344. Such application shall be accompanied by the original invoice, or certified copy thereof, showing such *sale.* [purchased, and, if required by the department, evidence of payment therefor.] When the department is satisfied that a refund is proper, it shall authorize [ninety percent of] the amount of tax *exempted* [paid] to be refunded as other refunds are made; and the amount refunded shall be deducted from gasoline tax receipts.

(3) The right to receive any refund under the provisions of this section shall not be assignable, except to the executor or administrator, or to the receiver, trustee in bankruptcy, or as-

signee in insolvency proceedings of such person entitled thereto.

Section 8. Section 138.353 of the Kentucky Revised Statutes is amended to read as follows:

If any excise taxes on gasoline be erroneously *exempted* [refunded], the department shall advise the payee by registered mail of the erroneous *exemption* [refund]. If the payee fails to reimburse the Commonwealth within fifteen days after the receipt of the letter, an action may be instituted by the department in the Franklin circuit court and the department shall recover from the payee the amount of the erroneous *exemption* [refund] plus a penalty of twenty percent.

Section 9. Section 138.354 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall make a false or fraudulent statement in an application for an *exemption* [a refund] permit or in a gasoline *exemption* [refund] invoice, or in an application for *an exemption* [a refund] of any taxes as set out in KRS 138.343 to 138.357; or fraudulently obtain *an exemption* [a refund] of such taxes; or knowingly aid or assist in making any such false or fraudulent statement or claim; or having bought gasoline under the provisions of KRS 138.343 to 138.357, shall use or permit such gasoline or any part thereof to be used for any purpose other than as provided in KRS 138.344.

(2) The *exemption* [refund] permit of any person who shall violate any provision of subsection (1) of this section may be revoked by the Department of Revenue subject to appeal to the Kentucky Board of Tax Appeals as provided by law, and may not be reissued until two years have elapsed from the date of such revocation.

(3) The exemption [refund] permit of any person who shall violate any provision of KRS 138.343 to 138.357, other than those contained in subsection (1) of this section, may be suspended by the Department of Revenue for any period in its discretion not exceeding six months with the right of appeal to the Kentucky Board of Tax Appeals.

(4) If a dealer violates any provision of KRS 138.343 to

138.357, his privilege to sign gasoline *exemption* [refund] invoices may be suspended by the Department of Revenue for a period of not more than two years subject to appeal to the Kentucky Board of Tax Appeals. No *exemption* [refund] shall be made on gasoline purchased from a dealer while a suspension of his privilege to sign gasoline *exemption* [refund] invoices is in effect.

Section 10. Section 138.355 of the Kentucky Revised Statutes is amended to read as follows:

If the department reasonably believes that any dealer or *exemption* [refund] permit holder has been guilty of a violation of KRS 138.343 to 138.357, which would subject the dealer or permit holder to a suspension or revocation of his license or permit under the provisions of subsections (2), (3) or (4) of KRS 138.354, said dealer or permit holder may be cited by the department to show cause at a public hearing before the Department of Revenue why his license or permit should not be suspended or revoked. The dealer or *exemption* [refund] permit holder shall be notified by registered letter. The letter shall inform the dealer or *exemption* [refund] permit holder of the charge or charges made against him and he shall have a reasonable opportunity to be heard before his license or permit may be revoked or suspended. The hearing shall be set at least five days after the receipt of the letter. Any aggrieved dealer or *exemption* [refund] permit holder may appeal any order entered to the Kentucky Board of Tax Appeals as provided by law, subject to the condition that he make bond sufficient in the opinion of the department to protect the Commonwealth from loss of revenue.

Section 11. Section 138.357 of the Kentucky Revised Statutes is amended to read as follows:

No *exemption* [refund] shall be authorized under the provisions of KRS 138.343 to 138.357 except on gasoline purchased more than ninety days after *March 1, 1968* [February 18, 1946].

Representative Akers moved that the House adjourn until 1:00 p.m., Thursday, March 7, 1968.

On the roll call the vote was yeas 63—Akers, Arnett, Baker,

Ball, Ballenger, Bamberger, Blandford, Bleemel, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hinkle, Hoffman, Holbrook, Hunt, Irick, Johnson, Jones, Justice, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Massey, McCallum, McKinney, Melton, Robert L. Miller, Mitchell, Morgan, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Smith, Stuart, Tobin, Vanover, Wells, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 30—Alexander, Allen, Blume, Blythe, Bruce, Curlin, Denham, Hampton, Hardin, Henry, Hoe, Hopkins, Huff, Isler, James, Keene, Kidd, King, Maddox, May, McGill, McNamara, Mershon, Murphy, Prather, Ray, Siemens, Walters, Webster, White.

The motion to adjourn was adopted.

THURSDAY, MARCH 7, 1968
FIFTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Herman M. Bowers of the First Baptist Church, Frankfort.

The roll was called. All present except Representatives Halleck, Sartin and Smith.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of March 6, 1968, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 93, by Representatives Jones, Hardin, Vanover, Melton and Lawson: A CONCURRENT RESOLUTION authorizing and directing the Legislative Research Commission to study the feasibility of purchasing Automobile liability insurance as will reasonably protect the interest of all state employees when operating a motor vehicle in the conduct of official state business.

HB 607, by Representative Hardin: AN ACT relating to stenographic reporters.

HB 608, by Representatives Wright, Schmidt and McBrayer: AN ACT relating to the establishment of a Kentucky Health and Geriatric Authority, providing for the issuance of bonds thereby.

HB 609, by Representatives Keene and Johnson: AN ACT relating to the levy and assessment of property taxes.

HB 610, by Representative Wolchik: AN ACT relating to motor vehicle sales and mobile home sales and the regulation thereof.

HB 611, by Representative Prather: AN ACT relating to milk inspection.

HB 612, by Representative Blume: AN ACT relating to injunctions in labor disputes.

HB 613, by Representative Blume: AN ACT relating to police officers' salaries and increasing certain fees to provide revenue therefor.

HB 614, by Representative Blume: AN ACT relating to workman's compensation.

HR 94, by Representatives Baker and Harper: A RESOLUTION requesting state departments having programs affecting the timber industry in the Commonwealth to coordinate their activities in that area.

Report of Committees

The Committee on Counties and Special Districts reported **SB 157** and **SB 282** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 157, AN ACT relating to fringe benefits for city and county employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 79.080 is amended to read as follows:

Cities of all classes and counties and the agencies of cities and counties are authorized to establish and operate plans for the payment of retirement ,disability or hospitalization benefits to their employes *and to purchase group life insurance for their employes as provided in KRS 304.838 through KRS 304.866.* Such a plan may require employes to pay a percentage of their salaries into a fund from which benefits are paid, or the city, county or agency may pay out of its own funds the entire cost of the benefits. A plan may include a combination of contributions by employes and by the city, county or agency into a fund from which benefits are paid, or it may take any form desired by the city, county or agency. Each city, county or agency may make rules and regulations and do all other things necessary in the establish-

ment and operation of such a plan. Any plan adopted shall provide that any officer or member of a paid fire or police department who has completed five years or more as a member of the department, but who is unable to perform his duties by reason of heart disease or any disease of the lungs or respiratory tract, is presumed to have contracted his disease while on active duty as a result of strain or the inhalation of noxious fumes, poison or gases, and shall be retired by the pension board under terms of the pension system of which he is a member, if member passed an entrance physical examination and was found to be in good health as required. The term "agency" as used herein shall include boards appointed to operate water works, electric plants, hospitals, airports, housing projects, golf courses, parks, health departments, or any other public project.

SB 282, AN ACT relating to the powers of fiscal court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.080 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court may:

(1) Appropriate county funds authorized by law to be appropriated;

(2) Sell and convey any real estate belonging to the county, and buy land for the use of the county, when necessary, for the purpose of erecting thereon public buildings, such as courthouses, clerk's offices, poorhouses, jails and workhouses, or for the care and support of paupers; or the fiscal court may appoint one or more commissioners to sell or buy real estate under this subsection, subject to the approval of the fiscal court, and convey it to the purchaser, under the direction of the court, or have it conveyed to the county, by deed properly executed and recorded;

(3) Erect and keep in repair necessary public buildings;

(4) Secure a sufficient jail and a comfortable and convenient place for holding court at the county seat;

(5) Erect, keep in repair and superintend bridges and other structures;

(6) Regulate and control the fiscal affairs and property of the county;

(7) Cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, and have the accounts of all county officers audited, when necessary; employ a competent person to keep such accounts and records, and make such audits, and pay such person a reasonable compensation for such services, not to exceed 2,400 per annum, except that in counties containing a city of the second class such person may be paid a reasonable compensation for such services, not to exceed $3,600.00 per annum.

(8) Make provision for the maintenance of the poor, provide a poorhouse and poor farm, appropriate county funds for the benefit of infirmaries for the sick located in the county, provide for the care, treatment and maintenance of the sick and poor and provide a hospital for that purpose, or contract with any hospital in the county to do so;

(9) Provide for the good condition of the highways in the county;

(10) Appropriate county funds to make provision to secure immigration into the county and to advertise the resources of the county;

(11) Appropriate county funds for the benefit of colleges located in the county, or colleges located in adjoining counties;

(12) Execute all of its orders consistent with law and within its jurisdiction of all such other matters relating to the levying of taxes as is conferred on the fiscal court by law;

(13) Exercise all the corporate powers of the county unless otherwise provided by law; and

(14) Cause the construction or reconstruction of access roads when, in the opinion of the fiscal court after receiving the recommendation of the county road engineer, the construction or reconstruction of the access roads would serve as an inducement

to industrial location or a substantial expansion of industry, and the estimated cost of the project is less than twenty-five thousand dollars.

(15) Define, declare, prevent and abate nuisances in the county.

The Committee on Education reported **HB 363, HB 587, HB 592** and **HB 593** with the expression of opinion that the same should not pass.

The Committee on Education reported **HB 481, HB 522, HB 560, HB 584** and **SB 118** without expression of opinion.

The Committee on Education reported **SR 43, SB 117, HB 573,** and **HR 91** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 43, A JOINT RESOLUTION directing the Council on Public Higher Education to undertake all preliminary work involved in the establishment of Northern Kentucky State College.

WHEREAS, the Council on Public Higher Education has recommended the establishment of a college in the northern section of the state; and

WHEREAS, the Council, as the representative agency of the Commonwealth in all matters of higher education, is the proper organization to assume responsibility for the preliminary work involved in the establishment of Northern Kentucky State College; and

WHEREAS, the location of the college must be determined, as well as the amount of land required, with a view to future needs; and

WHEREAS, the fields of study and courses to be offered must be determined; and

WHEREAS, the staffing of the administrative and academic personnel must be accomplished and many other matters involved in the implementation of the recommendations of the Council must be given attention;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly does hereby direct the Council on Public Higher Education to undertake all preliminary work involved in the establishment of Northern Kentucky State College, including, but not limited to all matters set forth in this resolution.

Section 2. That a copy of this resolution be sent to the Council on Public Higher Education.

SB 117, AN ACT relating to teachers' salaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 161.760 is amended to read as follows:

(1) Each board of education shall cause notice to be given annually not later than July 1 to each teacher who holds a contract valid for the succeeding school year, stating the best estimate as to the salary to be paid such teacher during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction be a part of a uniform plan affecting the entire district, *or unless the salary is reduced for the purpose of enabling the teacher to participate in a tax-sheltered annuity plan,* or unless there is a reduction or elimination of extra service, administrative and/or supervisory duties and responsibilities of the teacher or other certified personnel. But nothing herein shall prevent increases of salary after the boards' annual notice has been given. All teachers who refuse assignment shall notify the superintendent in writing not later than July 15. Reassignment of certificated personnel after July 15 shall be made only to fill vacancies created by illness, death or resignations; to reduce or increase personnel because of a shift in school population; to make personnel adjustments after consolidation or merger; to assign personnel according to their major or minor fields of training.

(2) Upon recommendation of the superintendent and approval of the board of education reduction of responsibility for

a teacher may be accompanied by a corresponding reduction in salary; provided that written notification setting forth the reason or reasons for such reductions shall be furnished the teacher not later than May 15.

(3) Employment of a teacher, under either a limited or a continuing contract, is employment in the school district only and not in a particular position or school.

HB 573, AN ACT relating to teacher education and certification.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.030 is amended to read as follows:

(1) The certification of all superintendents, principals, teachers, supervisors, attendance officers and other administrative, supervisory or instructional employes is vested in the State Board of Education. All certificates issued under KRS 161.010 to 161.120 shall be issued in accordance with the published rules and regulations of the State Board of Education through the Superintendent of Public instruction.

(2) *Upon recommendation of the Kentucky Commission on Teacher Education and Certification and upon approval by the Council on Public Higher Education in Kentucky, the State Board of Education shall prescribe the curricula for the preparation and certification of teachers and other professional school personnel in Kentucky.* Certificates shall be issued [, reissued and renewed] to persons who have completed [, at the state teachers colleges of Kentucky for white persons or at the College of Education at the University of Kentucky, the curricula prescribed by the Council on Public Higher Education and approved by the State Board of Education for the certificates.] *the prescribed curricula at such colleges and universities which have been approved by the State Board of Education for the preparation of teachers and other professional school personnel.*

[(3) Certificates shall be issued to persons who have attended the state institutions for colored persons in accordance

with law and in accordance with the rules and regulations of the State Board of Education.]

[(4) The State Board of Education shall approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the State Board of Education and are equivalent to any or all the curricula prescribed for the state institutions for the issuance of certificates to students of the state institutions, and when the institution has otherwise met the terms and conditions provided in KRS 161.010 to 161.130. Any student of such institution who has completed any of these curricula or the equivalent thereof, as approved by the State Board of Education, and who in addition thereto has completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions may, by the State Board of Education, be granted a certificate for teaching of the same validity and tenure as certificates issued to students completing like requirements in the state institutions.]

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) There shall be a Kentucky Commission on Teacher Education and Certification whose members shall be appointed by the Superintendent of Public Instruction as follows:

One member from each of the state universities and senior colleges as nominated by the presidents of the respective institutions;

Three members representative of the private and municipal senior colleges and universities selected from a list of nominees made by the presidents of the respective institutions;

One member representative of graduate education selected from a list of nominees submitted by the respective presidents of Kentucky teacher education institutions offering approved graduate programs;

Nine members from the teaching profession, at least six of whom shall be classroom teachers at the time of their appointment, to be selected from a list of nominees submitted by the governing board of the state wide organization which has the largest paid membership of teachers and other professional school personnel.

Four members broadly representative of the college teaching profession selected from a list of nominees submitted by the respective presidents of Kentucky teacher education institutions.

One member from the Department of Education representing elementary, secondary, and vocational education.

One member from the Department of Education, representing teacher education and certification, who shall serve as executive secretary.

The term of office shall be for a period of four years except that one half of the initial appointments shall be for two year terms. Members may serve successive terms if re-nominated and re-appointed in the manner prescribed for membership. Vacancies shall be filled as they occur in a manner consistent with the provisions for initial appointments. The membership of representatives of teacher education institutions shall terminate if their employment at the institution terminates before the end of the term of office.

At the first meeting held on or after July 1 of each year a chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three one-year terms in succession as chairman. The executive secretary shall keep records of proceedings and shall prepare the approved recommendations for transmission to the Council on Public Higher Education and to the State Board of Education.

Regular meetings shall be held at least biannually on call by the chairman.

(2) The Kentucky Commission on Teacher Education and Certification shall develop and recommend policies and standards relating to teacher preparation and certification including: The

requirements for the preparation and certification of teachers and other professional school personnel; the standards and procedures for the approval of college and university programs for the preparation of teachers and other professional school personnel.

All recommendations relating to the prescribed curricula for teachers and other professional school personnel shall be submitted to the Council on Public Higher Education in Kentucky.

All recommendations other than those relating to prescribed curricula shall be submitted directly to the State Board of Education.

(3) To carry on the functions relating to its duties and responsibilities the Kentucky Commission on Teacher Education and Certification is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

HR 91, A JOINT RESOLUTION directing the maintenance of the University of Louisville as a state institution and authorizing the Boards of Trustees of the University of Louisville and the University of Kentucky to develop a plan for closer affiliation of the two institutions.

WHEREAS, the House of Representatives, in 1966, adopted a Resolution requesting the presidents of the University of Kentucky and the University of Louisville to appoint a joint committee to study the advisability and feasibility of placing the University of Louisville in the state supported system of public higher education;

WHEREAS, the said committee was duly appointed and has made its report to the presidents of the aforementioned institutions;

WHEREAS, the said presidents have, pursuant to the provisions of Section 4 of the aforementioned Resolution, submitted the report containing the findings and recommendations of the committee to the Governor, the General Assembly, and the trustee of the two institutions;

WHEREAS, the committee, after considering the findings of the consulting firm of Heald, Hobson & Associates, which was engaged by the committee, has recommended that the University of Kentucky and the University of Louisville be made coordinate institutions and brought into closer affiliation with each other to the extent feasible at this time.

WHEREAS, the boards of trustees to the two institutions have unanimously evpressed approval in principle of the committee's recommendations; and

WHEREAS, it does not appear feasible at this time to determine the form of the closer affiliation, and thus it is advisable to proceed toward the objectives of the committee report by establishing general state affiliation in a form not inconsistent with the objectives of the Committee Report;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly finds that the recommendations of the joint committee, appointed pursuant to House Resolution 43 of 1966, should be accepted in that the recommendations point toward more effective coordination and cooperation between the University of Kentucky and the University of Louisville with the consequent realization of the most economic and efficient use of available financial resources.

Section 2. That in implementation of this finding, beginning not later than July 1, 1970, the University of Louisville shall be maintained as a state institution with such incomes, buildings and equipment as will enable it to continue to do work such as it does does, both undergraduate and postgraduate, and embracing the work of instruction as well as research, subject to the approval authority of the Council on Public Higher Education with respect to new postgraduate programs.

Section 3. That for purposes of participation in the work of the Council on Public Higher Education and the submission of budget requests thereto the University of Louisville shall be considered a state institution as of July 1, 1969.

Section 4. That the Board of Trustees of the University of Kentucky and the Board of Trustees of the University of Louisville are hereby directed to develop proposed legislation providing for closer affiliation of the University of Louisville and the University of Kentucky and to present the same for the consideration of the General Assembly not later than at its next regular session.

The Committee on Business Organizations and Professions reported **HB 588** and **HB 603** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the calendar.

HB 588, AN ACT relating to thoroughbred racing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 230.300 is amended to read as follows:

(1) Any person desiring to conduct thoroughbred racing within the Commonwealth of Kentucky during any calendar year shall first apply to the commission for a license to do so. The application shall be filed at the commission's general office on or before a day fixed by the commission. The application shall specify the location of the track and the days on which racing is desired to be conducted or held and shall be in the form and contain such other information and data as the commission may, by rule, require.

(2) The commission shall as soon as practicable but in no event later than March 1 in any calendar year award all dates for racing in Kentucky during the year. The commission may issue such license to conduct a thoroughbred race meeting to any person who makes the aforesaid application, who has complied with the requirements of KRS 230.210 to 230.360 as well as the rules of the commission and where the issuance thereof is in the best interest of racing generally. As a condition precedent to the issuance of the license, the commission may require a surety bond or other surety conditioned upon the payment of all taxes due the Commonwealth, together with the payment of operating expenses including purses and awards to owners of horses participating in races.

(3) Every license issued under KRS 230.210 to 230.360 shall specify among other things the name of the person to whom issued, the address and location of the track where the thoroughbred race meeting to which it relates is to be held or conducted, and the days and hours of the day when the meeting will be permitted.

(4) A license issued under this section is neither transferable nor assignable and shall not permit the conduct of a thoroughbred race meeting at any track not specified therein. However, if the track specified becomes unsuitable for thoroughbred racing because of flood, fire or other catastrophe, the commission may, upon application, authorize the meeting, or any remaining portion thereof, to be conducted at any other suitable track available for that purpose, provided that the owner of such track willingly consents to the use thereof.

(5) Thoroughbred racing dates may be awarded and licenses issued authorizing thoroughbred racing on any day of the year except Sundays. No thoroughbred racing shall be held or conducted on any Sunday. Thoroughbred racing shall be held or conducted only between sunrise and *midnight* [sunset].

(6) The commission may at any time require the removal of any official or employe of any association in those instances where it has reason to believe that the official or employe has been guilty of any dishonest practice in connection with the thoroughbred racing or has failed to comply with any condition of his license or has violated any law or any rule or regulation of this commission.

(7) Every thoroughbred race not licensed under this section is hereby declared to be a public nuisance and the commission may obtain an injunction against the same in the circuit court of the county where the unlicensed race is proposed to take place.

HB 603, AN ACT relating to alcohol.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 222.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a commission to be hereafter known as the Kentucky Commission an Alcohol[ism.] *Problems.*

(2) The commission shall consist of *nine* [seven] members with an interest in and knowledge of the alcohol[ism] problem, said members to be appointed by the Governor. *The members shall qualify by having professional, research or personal experience with alcohol problems.* At least two of the *nine* [seven] members shall be doctors, and one of the doctors shall be a psychiatrist. Three members shall be appointed for a term of one year, *three* [two] members shall be appointed for a term of two years and *three* [two] members shall be appointed for a term of thre year. At the expiration of these terms appointments shall be for terms of four years. Appointments shall be made by the Governor to fill any existing vacancies. *Members of the commission shall serve without pay, but shall receive their actual and necessary expenses incurred while on the business of the commission. The commission shall meet at least once every three months; th commission shall be attached to the Department of Mental Health for administrative purposes.*

(3) The duties of the commission shall be to advise the Department of *Mental* Health on all matters relating to alcohol [ism.] *problems and to advise and assist the Interagency Council on Alcohol Problems with its comprehensive program. The scope of these activities shall include but not be limited to:*

(a) Assist community mental health center alcohol coordinators and other experienced personnel throughout the state to provide in-service training for classroom teachers who will teach elementary and secondary classes on the nature and effect of the use of beverage alcohol;

(b) Encourage and assist universities and colleges in this state who give degrees or have major fields of study in social work to include courses examining alcohol-related problems;

(c) Encourage and assist universities and colleges in this state who give degrees or have major fields of study in education to include courses preparing elementary and secondary teachers

to most effectively present the nature and effect of the use of beverage alcohol;

(d) Encourage the Department of Labor and labor organizations to establish adult education courses on alcohol;

(e) Stimulate community interest in alcohol-related problems through community center activities, churches, programs in industry, the news media, or by any other appropriate activities;

(f) Cooperate with the Department of Personnel in the establishment of qualifications and in-service training programs for social workers or other state employees whose employment may bring them into contact with alcohol-related problems; and

(g) Formulate consistent terminology and definitions for alcohol related problems for data analysis purposes by agencies of this state.

(4) The commission may invite the Kentucky Juvenile Delinquency Prevention and Youth Development Foundation Inc. to appoint a committee of three young people to assist the commission in planning youth alcohol education programs. The members of the youth committee may be paid actual expenses while serving with the commission.

Section 2. Section 222.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of *Mental* Health shall study the problems of alcoholism within the state, formulate and carry out programs of education designed to curb the excessive use of alcohol and reduce the number of alcoholics, establish such facilities and employ such personnel as are necessary and available for the diagnosis and rehabilitation of alcoholics, and accept for examination, diagnosis, guidance and treatment any person coming to it of his own volition for advice and guidance.

(2) The department may contract for space and facilities to be used for out-patient clinics, and may contract with hospitals and private doctors for the emergency hospitalization and care of chronic alcoholics. The department may enter into cooperative agreements with municipal and other agencies operating facilities for treating alcoholics, and it may employ such medical, psychi-

atric, psychological, secretarial and other assistance as may be necessary to carry out the purposes of this section.

(3) The department may accept gifts, bequests, contributions and patient fees, at its discretion, and use such funds to further the purposes of this section.

(4) The department may establish rules and regulations for the admission of patients to its facilities and may set fees for treatment. Fees shall be scaled according to the ability of the patient to pay.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Department of Mental Health is further designated to carry out the planning activities of the Commonwealth in the field of alcoholism and to coordinate the activities of other State agencies in combating the problem of alcoholism, as they may affect those State agency programs or persons under their respective charge and care.

(2) To initiate and implement the purposes set forth in this Act, there is established within the Department of Mental Health an Office of Alcoholism. The Director shall be appointed by the Commissioner of Mental Health with the approval of the Governor.

(3) To implement the coordination of State agencies' alcoholism programs, there is hereby established an Interagency Council on Alcoholisms which shall be composed of, but not restricted to, a representative from each of the following Departments: Child Welfare, Corrections, Economic Security, Education, Health, Labor, Public Safety, Tuberculosis Hospital Commission, and Personnel. The Commissioner of each department named to the council shall designate a representative from his department to the Interagency Council on Alcoholisms. The designated representative shall be the staff member charged with alcoholism program responsibility within that department.

(4) A coordinator shall be appointed in the Office of Alcoholism, Department of Mental Health to implement the Interagency Council on Alcoholisms to conduct ongoing activities of

the Council to develop coordination and planning between the Office of Alcoholism and the agencies represented on the Interagency Council of Alcoholisms.

(5) The provisions of this Act shall be in addition to any present statutory responsibility given to state departments.

The Committee on Business Organizations and Professions reported **HB 539, HB 450** and **HB 340** without expression of opinion.

The Committee on Judiciary reported **SB 38, SB 39, SB 90, SB 166, SB 191, SB 197** and **SB 253** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 38, AN ACT relating to business records as evidence and to make uniform the law with respect thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

Section 2. A record of an act, condition or event, shall, in so far as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.

Section 3. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 4. This act may be cited as the Uniform Business Records as Evidence Act.

SB 39, AN ACT relating to gifts of intangible personal property to minors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS Supp. (1966) 385.031 is amended to read:

(1) A gift made in a manner prescribed in KRS 385.011 to 385.101 is irrevocable and conveys to the minor indefeasibly vested legal title to the security, life insurance policy, annuity contract or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in KRS 385.011 to 385.101.

(2) By making a gift in a manner prescribed in KRS 385.011 to 385.101, the donor incorporates in his gift all the provisions of KRS 385.011 to 385.101 and grants to the custodian, and to any issuer, transfer agent, bank, *financial institution, life insurance company,* broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in KRS 385.011 to 385.101.

Section 2. KRS Supp. (1966) 385.041 is amended to read:

(1) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodial shall deliver or pay it over to the minor on his attaining the age of twenty-one years or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in KRS 385.011 to 385.101 *or hold money so given in an account in the financial institution to which it was paid or delivered by the donor.*

(6) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for _____under the Kentucky Uniform Gifts to Minors
Name of minor
Acts". The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: "as custodian for_____under the Ken-
Name of minor
tucky Uniform Gifts to Minors Act". The custodian shall keep

all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(9) A custodian has with respect to the custodial property, in addition to the rights and powers provided in KRS 385.011 to 385.101, rights and powers which a guardian has with respect to property not held as custodial property.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) has, in his capacity as custodian, all the incidents of ownership, in the policy or contract to the extent as if he were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and

(b) may pay premiums on the policy or contract out of the custodial property.

SB 90, AN ACT relating to termination of parental rights.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 199.600 of the Kentucky Revised Statutes is amended to read:

(1) In a proceeding involving a neglected or abandoned child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the state, and may vest the care, custody and control of the child in the department, or in any licensed child-caring or child placing agency or institution, if facilities are available to receive the child, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted

the child, or have substantially and continuously or repeatedly refused, or being able have neglected, to give the child parental care and protection, or that the child is neglected and that the parents have been adjudged mentally incompetent and such judgment has been in effect for not less than one year.

(2) If the circumstances described in subsection (1) of this section exist with respect to only one of the two legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the state, unless with the voluntary consent of the other parent, or [if the circumstances described in subsection (1) of this section with respect to only one of the two legitimate parents, and if that parent] *if one of the two legitimate parents* has been ordered by [the court] *any court of this Commonwealth* to give support to the child and *such parent* has wilfully, substantially and continuously refused for a period of at least one year to give *or pay* any support, the parental rights of that parent may be terminated immediately by order of the court, in which case the child shall not be declared a ward of the state, unless with the voluntary consent of the other parent.

(3) In an action to terminate parental rights under this section the parents, if the child is legitimate, or the mother if the child is born out of wedlock, must be personally summoned; or where personal service cannot be made, must be constructively summoned as provided in the Rules of Civil Procedure.

(4) In the event the infant is made party defendant to the action, the boarding home or foster parent shall not be served with summons notwithstanding provisions of CR 4.04(4).

(5) The court may be convened at any time wherever the judge thereof may be found within his district, irrespective of the regular term, for the purpose of terminating parental rights under this section, and shall complete the same as soon as possible.

(6) Proceedings under this section may be instituted upon petition by the department, any probation officer, any state or local law enforcement officer, any county or commonwealth's attorney or a natural parent.

SB 166, AN ACT relating to marriage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 402.050 is amended to read:

(1) Marriage shall be solemnized only by:

(a) Ministers of the gospel or priests of any denomination in regular communion with any religious society;

(b) *Judges of the circuit court,* judges of the county court, judges of the police court and such justices of the peace as the Governor or the county court authorizes; or

(c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society.

(2) At least two persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.

SB 191, AN ACT relating to offenses against public order.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

The following definitions apply in this Act:

(a) "Public" means affecting or likely to affect a substantial group of persons.

(b) "Public place" means a place to which the public or a substantial group of persons has access, and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, places of business, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(c) "Transportation facility" means any conveyance, premises or place used for or in connection with public passenger

transportation, whether by air, railroad, motor vehicle or any other method. It includes aircraft, watercraft, railroad cars, buses and air, boat, railroad and bus terminals and stations and all appurtenances thereof.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

(1) A person is guilty of riot if he participates with five (5) or more others in a course of disorderly conduct:

(a) With intent to commit or facilitate the commission of a felony or misdemeanor;

(b) With intent to prevent or coerce official action; or

(c) When the actor or any other participant to the knowledge of the actor uses or plans to use a firearm or other deadly weapon.

(2) No person shall be convicted of riot unless the conduct of the participants causes or creates a grave risk of causing public terror or alarm.

(3) In any prosecution for riot it is prima facie evidence of the requisite conduct and intent that the accused was present at the scene of the riot and that he refused to leave on command of a peace officer or other person duly authorized to suppress it.

(4) Riot is punishable by imprisonment in the penitentiary for not less than one (1) nor more than give (5) years, by a fine of not more than $5,000, or both.

Section 3. KRS 437.010 is repealed.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) A person is guilty of inciting to riot if he advocates the imminent commission of tumultuous and violent conduct to a group of five (5) or more persons at a time and in such circumstances that there is or there becomes a clear and present danger of its occurrence.

(2) Inciting to riot is punishable by imprisonment in the

penitentiary for not less than one (1) nor more than five (5) years, by a fine of not more than $5,000, or both.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

(1) A person is guilty of failure to disperse if he participates with two (2) or more persons in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm, and intentionally refuses to disperse when ordered to do so by a peace officer or other public servant engaged in executing or enforcing the law.

(2) Failure to disperse is punishable by imprisonment for not more than ninety (90) days, by a fine of not more than $500, or both.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

(1) A person is guilty of unlawful assembly when he assembles with two or more persons for the purpose of engaging in conduct constituting the crime of riot or if, being present at an assembly which either has or develops such a purpose, he remains there with intent to advance that purpose.

(2) Unlawful assembly is punishable by imprisonment in jail for not more than twelve months, a fine not exceeding $500, or both.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

(1) A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarms, or recklessly creating a risk thereof, he:

(a) Engages in fighting or in violent, tumultuous or threatening behavior; or

(b) Makes unreasonable noise; or

(c) In a public place uses abusive or obscene language, or makes an obscene gesture; or

(d) Without lawful authority, disturbs any lawful assembly or meeting of persons; or

(e) Obstructs vehicular or pedestrian traffic; or

(f) Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or

(g) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.

(2) Disorderly conduct is punishable by imprisonment in jail for not more than six months, by a fine of not more than $500, or both.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

(1) A person is guilty of loitering if he:

(a) Loiters or remains in a public place for the purpose of begging; or

(b) Loiters or remains in a public place for the purpose of committing, attempting to commit, or soliciting another person to commit, a lewd or sexual act; or

(c) Loiters or remains in or about a school building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or any other specific or legitimate reason for being there, and not having written permission from a school administrator; or

(d) Loiters or prowls in a place, at a time, or in a manner not used for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and

conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at a trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

(2) Loitering is punishable by imprisonment for not more than fifteen (15) days.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

(1) A person commits the crime of false reporting to law enforcement authorities if:

(a) He makes a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their concern, when he knows that it did not occur; or

(b) He makes a report or purposely causes the transmission of a report of law enforcement authorities pretending to furnish information relating to a crime or other incident within their concern, when he knows that he has no such information.

(2) False reporting to law enforcement authorities under this section is punishable by imprisonment in jail for not more than twelve months or by a fine not to exceed $500, or both.

SB 197, AN ACT relating to attempt to commit felonies and misdemeanors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read:

(1) An attempt to commit any offense under the law of the Commonwealth, if not otherwise specifically provided for, is punishable by imprisonment in jail not to exceed twelve (12) months or by a fine not exceeding $5,000, or both.

(2) No attempt shall be punishable by fine or term of

imprisonment in jail exceeding that which is provided for the consummated offense.

SB 253, AN ACT relating to recording of instruments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 382.335 of the Kentucky Revised Statutes is amended to read as follows:

(1) No county clerk shall receive or permit the recording of any instrument by which the title to real estate or personal property, or any interest therein or lien thereon, is conveyed, granted, encumbered, assigned or otherwise disposed of; nor receive any instrument or permit any instrument, provided by law, to be recorded as evidence of title to real estate; and shall not receive or permit any instrument, relating to the organization or dissolution of a private corporation, unless such instrument has endorsed on it, a printed, type-written or stamped statement showing the name and address of the individual who prepared the instrument, and such statement is signed by such individual, *provided that a facsimile signature may be used.*

(2) This section shall not apply to any instrument executed or acknowledged prior to July 1, 1962.

(3) No county clerk shall receive or permit the recording of any instrument by which the title to real estate is conveyed or granted unless the draftsman of the instrument certifies on the face of the instrument the consideration that has passed and the total price in dollars of the real estate conveyed or granted.

The Committee on Judiciary reported **SB 145** with the expression of opinion that the same should not pass.

Calendar

SB 195, HB 550, HB 526, SB 114, SB 113, HR 65, HB 386, HB 446, HB 580, SB 85, SB 169, HB 591, HR 87, HB 598, HB 599, HR 89, HB 534, HB 575, HB 359, HB 499, HB 566, HB 595, HB 571, SB 246, SB 289, SB 331, HB 558, HB 559, HB 585, HB 562, HB 563, HB 561, HB 574 and **SB 75** taken from the

Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 260** had been examined and found correctly enrolled. **HB 260** read at length, compared, and signed in open session by Speaker. Ordered delivered to the Senate.

Senate Message

Announcing passage of **SB 218, SB 284, SB 290, SB 299, SB 300, SB 301, SB 314, SB 317, SB 321, SB 322, SB 344, SB 349,** and **SB 367.**

Announcing passage of **SR 46** and **SR 53.**

Recess

Representative Morgan moved that the House recess for ten minutes for committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report of Committees (cont.)

The Committee on Cities reported **HB 55** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 55, AN ACT relating to police officers in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Police officer", as used in this Act, includes

all regular salaried members of the police force with the exception of the chief of police.

Section 2. In all cities of the first class police officers shall not be required to work more than forty hours in any one calendar week nor more than eight hours in any twenty-four hour period unless an emergency or the public interest requires otherwise.

Section 3. A police officer shall be paid time and a half for those hours he works beyond forty hours in any one calendar week and for all hours he works beyond eight hours in any twenty-four hour period.

Motions, Petitions, and Communications

HR 94: A RESOLUTION requesting state departments having programs affecting the timber industry in the Commonwealth to coordinate their activities in that area.

WHEREAS, the timber industry is of recognized and well-earned importance to this Commonwealth; and

WHEREAS, as with any important industry, it behooves the various agencies of the Commonwealth to coordinate their activities as they affect the regulation and the promotion of that industry;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Commerce, the Department of Insurance, the Department of Labor, and the Department of Natural Resources be requested to coordinate with timber and timber-based industries so as to effectively identify common problems and opportunities, and to provide a forum for suggestions regarding the growth of the industry in the Commonwealth.

Section 2. That the Commissioners of the aforementioned departments be each provided with a copy of this resolution,

Representative Harper moved the adoption of **HR 94.** Agreed.

Representative Hoffman moved that the House request that the Senate return **HB 351.**

On the roll call the vote was yeas 19—Ball, Curlin, Walter F. Davis, Dawhare, Denham, Hardin, Harper, Hoffman, Huff, Irick, McBrayer, McCallum, Mitchell, Pettit, Prather, Ricker, Webster, White, Wooley. Nays 40—Akers, Alexander, Baker, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Clapp, Cruse, J. A. Davis, Floyd, Hampton, Holbrook, Johnson, Jones, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, McGill, McKinney, Mershon, C. R. Miller, R. L. Miller, Morgan, Ray, R. Reynolds, W. J. Reynolds, Russell, Saylor, Siemens, Simmons, Smith, Tobin, Wells, Wesley.

The motion that the House requests the Senate to return **HB 351** was rejected.

HR 88: A RESOLUTION requesting the planning and construction of the Lincoln-Cumberland Parkway between Brandenburg in Meade County and to Somerset in Pulaski County.

WHEREAS, south central Kentucky has been isolated by the absence of a major through highway, and

WHEREAS, the future development and tourist potential of this area would be of substantial benefit to the entire Commonwealth, and

WHEREAS, the natural flow of commerce from this area to the major metropolitan areas has been hampered by the lack of adequate highway facilities, and

WHEREAS, the construction of the proposed Lincoln-Cumberland Parkway would be of immense benefit by linking the Louisville area with the Lake Cumberland and Green River Reservoir area, and with I-75 in southeastern Kentucky.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That the Commonwealth of Kentucky Department of Highways be requested to proceed immediately with planning and construction of the Lincoln-Cumberland Parkway from Brandenburg in Meade County to Somerset in Pulaski County.

2. That copies of this Resolution be sent by the Clerk to the Governor, the Commissioner of the Department of Highways of the Commonwealth of Kentucky, and the Bureau of Public Roads.

Representative Rattliff moved the adoption of **HR 88.** Agreed.

HR 95, by Representative Huff: A RESOLUTION directing the Legislative Research Commission to study the effects of a severance tax on minerals.

WHEREAS, a severance tax on minerals has been suggested and much discussed within the Commonwealth; and

WHEREAS, a severance tax on minerals has been introduced in the 90th United States Congress as H. R. 15456; and

WHEREAS, there is a relative dearth of factual information about the probable effect of a severance tax in the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission study severance taxes on minerals to determine, among other things, the possible effect on property owners, leaseholders, coal operators, and receivers of royalties, and to estimate potential revenue lost through th absence of a severance tax in past years.

Section 2. That the Legislative Research Commission study H. R. 15456 of the 90th United States Congress and any similar federal proposals so as to determine what revenue will be lost to the Commonwealth if this Bill is enacted and no severance tax is imposed by the Commonwealth.

Section 3. That the Legislative Research Commission prepare such legislation as it may recommend for the consideration of the 1970 General Assembly.

Section 4. That the Legislative Research Commission, in the conduct of this study and the drafting of legislation thereunder, solicit the advice and counsel of all agencies of state government affected by such legislation.

Representative Huff moved the adoption of **HR 95.**

On the roll call the vote was yeas 63—Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Clapp, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Huff, James, Justice, Keith, King, Lassiter, Lawson, Louden, Maddox, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Siemens, Simmons, Stuart, Tobin, Walters, Webster, Wesley, White, Wolchik, Wooley, Wright. Nays 4—Akers, Alexander, Cox, Johnson.

HR 95 was passed and the title agreed to.

HR 96, by Representative King: A RESOLUTION requesting publication of Kentucky Revised Statutes.

WHEREAS, the 1966 Supplement to the Kentucky Revised Statutes published by the Legislative Research Commission made the following announcement:

"Kentucky Revised Statutes Annotated will be available in the early part of 1967. This eight volume publication will contain the statutes and annotations following the statute sections and a complete new index. Annotations will consist of (1) Statute history, (2) citations to Law Review Commentaries and research reference to the Digest and C.J.S. and (3) notes of cases decided involving the Kentucky Statutes. Each volume will be kept up to date with annual pocket parts"; and

WHEREAS, in 1966 acts, Chapter 1, $175,000 was appropriated for the republication of said Kentucky Revised Statutes; and

WHEREAS, publication of a complete edition of Kentucky Revised Statutes either in the form announced above or any other form has not yet appeared; and

WHEREAS, the appropriation for such printing and publication has not lapsed;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be requested to proceed immediately after the adjournment of this session of the General Assembly with the publication of Kentucky Revised Statutes in the form announced by the 1966 Supplement, so that said publication will be available at the earliest possible time.

Representative King moved the adoption of **HR 96.** Agreed.

Representative Wolchik moved that **HB 48** be taken from the table and placed upon its passage.

Representative Denham appealed the decision of the Chair in regard to the number of votes required to take **HB 48** from the table.

The Speaker vacated the Chair. Speaker Pro Tem McBrayer presiding.

On the roll call the vote was yeas 66—Akers, Allen, Arnett, Baker, Ball, Bamberger, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, Floyd, Halleck, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Walters, Wolchik, Wooley, Wright. Nays 13—Ballenger, Curlin, DeMarcus, Denham, Hoe, R. L. Miller, Pettit, Rickert, Riddle, Russell, Webster, Wesley, White.

The decision of the Chair was upheld.

The Speaker resumed the Chair.

Senate Message

Announcing passage of **SR 21, SB 232, HB 75** and **HB 247.**

Motions, Petitions and Communications (Cont.)

On the roll call the vote was yeas 46—Akers, Arnett, Baker, Bamberger, Bleemel, Blume, Bowles, Bruce, Clapp, Clark, Coffey, Cruse, Walter F. Davis, Floyd, Henry, Hopkins, Isler, James, Keith, Kessinger, Kidd, King, Louden, Maddox, May, McGill, McKinney, Clarence R. Miller, Morgan, Murphy, Prather, Rattliff, Ray, Russell Reynolds, Rickert, Riddle, Saylor, Schmidt, Siemens, Simmons, Smith, Vanover, Walters, White, Wolchik, Wright. Nays 41—Alexander, Allen, Ballenger, Blandford, Blythe, Carroll, Cox, Curlin, Dawhare, Denham, Greer, Hampton, Hardin, Harper, Hinkle, Hoe, Holbrook, Hunt, Irick, Johnson, Jones, Justice, Keene, Lankford, Lassiter, Lawson, Massey, McBrayer, McCallum, McNamara, R. L. Miller, Mitchell, Pettit, W. J. Reynolds, Richey, Russell, Stuart, Tobin, Webster, Wells, Wesley.

The motion that **HB 48** be taken from the table and placed upon its passage was adopted.

Representative Morgan moved that debate pro and con on **HB 48** be limited to fifteen minutes.

On the roll call the vote was yeas 37—Akers, Alexander, Allen, Arnett, Bleemel, Blume, Bowles, Bruce, Clapp, Cruse, Curlin, Walter F. Davis, Hopkins, Isler, Keene, Kessinger, Kidd, King, Lawson, Maddox, May, McGill, McKinney, Morgan, Murphy, Rattliff, Ray, Russell Reynolds, Richey, Rickert, Riddle, Saylor, Simmons, Smith, Walters, Wolchik, Wright. Nays 46—Ballenger, Bamberger, Blandford, Blythe, Clark, Coffey, Cox, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, James, Johnson, Jones, Justice, Keith, Lankford, Louden, Massey, McBrayer, McCallum, McNamara, R. L. Miller, Pettit, Prather, W. J. Reynolds, Russell, Siemens, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White.

The motion that debate on **HB 48** be limited was rejected.

Representative Denham moved that action on **HB 48** be postponed indefinitely.

On th roll call the vote was yeas 43—Allen, Ballenger, Blandford, Blythe, Carroll, Cox, Curlin, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Huff, Hunt, Irick, Johnson, Jones, Justice, Keene, Massey, McCallum, McNamara, Melton, Robert L. Miller, Mitchell, Peace, Pettit, W. J. Reynolds, Richey, Russell, Stuart, Tobin, Webster, Wells, White. Nays 45—Akers, Arnett, Baker, Bamberger, Bleemel, Blume, Bowles, Bruce, Clapp, Clark, Coffey, Cruse, W. F. Davis, Floyd, Hopkins, Isler, James, Keith, Kessinger, Kidd, King, Lawson, Louden, Maddox, May, McBrayer, McGill, McKinney, Mershon, C. R. Miller, Morgan, Murphy, Rattliff, Ray, R. Reynolds, Riddle, Saylor, Schmidt, Siemens, Simmons, Smith, Vanover, Walters, Wolchik, Wright.

The motion that action on **HB 48** be postponed indefinitely was rejected.

Representative Hardin moved that **HB 48** be laid on the table.

On the roll call the vote was yeas 37—Allen, Ballenger, Blandford, Blythe, Cox, Curlin, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Hinkle, Hoe, Hoffman, Holbrook, Hunt, Irick, Johnson, Justice, Keene, Lankford, Lassiter, Massey, McCallum, McNamara, Robert L. Miller, Pettit, W. J. Reynolds, Russell, Stuart, Tobin, Webster, Wells, Wesley, Wheeler. Nays 44—Akers, Arnett, Baker, Bamberger, Bleemel, Blume, Bowles, Bruce, Clapp, Clark, Coffey, Cruse, W. F. Davis, Floyd, Henry, Hopkins, Isler, James, Keith, Kessinger, Kidd, King, Lawson, Louden, Maddox, May, McGill, McKinney, Morgan, Murphy, Rattliff, Ray, R. Reynolds, Richey, Riddle, Saylor, Schmidt, Siemens, Simmons, Smith, Vanover, Walters, Wolchik, Wright.

The motion that **HB 48** be laid on the table was rejected.

Representative Stuart moved that **HB 48** be made a Special Order for 9:00 p.m., Monday, March 11, 1968.

On the roll call the vote was yeas 37—Allen, Ballenger, Blandford, Blythe, Clapp, Cox, Curlin, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Hinkle, Hoe, Holbrook, Hunt, Irick, Johnson, Justice, Keene, Lankford, Lassiter, Massey, McNamara,

Melton, Robert L. Miller, Mitchell, Pettit, W. J. Reynolds, Richey, Russell, Stuart, Webster, Wesley, Wheeler, White. Nays 42—Akers, Arnett, Baker, Bamberger, Bleemel, Blume, Bowles, Clark, Coffey, Cruse, W. F. Davis, Floyd, Henry, Hopkins, Isler, James, Jones, Kessinger, Kidd, King, Lawson, Louden, Maddox, May, McGill, McKinney, C. R. Miller, Morgan, Murphy, Prather, Rattliff, Ray, R. Reynolds, Rickert, Schmidt, Siemens, Simmons, Smith, Vanover, Walters, Wolchik, Wright.

The motion that **HB 48** be made a Special Order for 9:00 p.m., Monday, March 11, 1968, was rejected.

Representative Wolchik moved that **HB 48** be taken from the table and placed upon its passage. Agreed.

On the roll call the vote was yeas 36—Akers, Arnett, Baker, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Walter F. Davis, Hopkins, Isler, James, Kessinger, Kidd, Lawson, Louden, Maddox, May, McKinney, Clarence R. Miller, Morgan, Murphy, Rattliff, Ray, Russell Reynolds, Riddle, Saylor, Schmidt, Siemens, Simmons, Smith, Walters, Wright. Nays 50—Alexander, Allen, Ball, Ballenger, Bamberger, Blandford, Blythe, Cox, Cruse, Curlin, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Johnson, Jones, Justice, Lankford, Lassiter, Massey, McBrayer, McCallum, McNamara, Melton, R. L. Miller, Peace, Pettit, W. J. Reynolds, Richey, Russell, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, White, Wooley.

HB 48 was defeated.

Representative Stuart moved that the vote by which **HB 48** was defeated be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that the following be adopted in lieu of the "clincher motion" to be effective as a House Rule: "I move that the vote by which HB _____ was passed be reconsidered and that this motion be postponed indefinitely." Agreed.

On motion of Representative Hardin, the House hereby declares the intent and interpretation of Rule 11 shall be that the adoption of a motion to table, under the Rules of the House,

defeats the subject matter under consideration. That upon its adoption it shall require 51 votes to reconsider the vote by its adoption, and that it shall require 51 votes to adopt the motion to take from the table.

Representative Morgan moved that consideration of Representative Hardin's motion be postponed until Friday, March 8, 1968. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 75** and **HB 247** had been examined and found correctly enrolled. **HB 75** and **HB 247** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day

Representative Morgan moved that consideration of **HR 33, HB 1, HB 170, SB 129, SB 79, HB 471, HB 334** and **HB 395** be deferred and that they retain their positions in Orders of the Day. Agreed.

HR 38 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, Massey, May, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 1—DeMarcus.

HR 38 was passed and the title agreed to.

HR 57 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Cox, James A. Davis, Walter F. Davis, Denham, Hampton, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, Jones, Justice, Keith, Kessinger, King, Lankford, Lassiter, Louden, Maddox, May, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 0.

HR 57 was passed and the title agreed to.

HR 54 taken from Orders of the Day and Ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74—Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Carroll, Clapp, Clark, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Siemens, Simmons, Stuart, Tobin, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

HR 54 was passed and the title agreed to.

HR 64 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Brown, Carroll, Clapp, Clark, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, Isler, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 1—Hoe.

HR 64 was passed and the title agreed to.

HR 52 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

HR 52 was passed and the title agreed to.

HR 69 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84 — Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox,

Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

HR 69 was passed and the title agreed to.

HB 479 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Arnett, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Cox, Cruse, Curlin, Dawhare, Floyd, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Saylor, Siemens, Simmons, Tobin, Vanover, Walters, Webster, White, Wolchik. Nays 5—Bamberger, W. F. Davis, Pettit, Wesley, Wooley.

HB 479 was passed and the title agreed to.

HB 157 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 54—Akers, Alexander, Arnett, Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Walter F. Davis, Dawhare, Denham, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Louden, Maddox, May, McBrayer, McCallum, McGill, McNamara, Mershon,

Clarence R. Miller, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 29 – Baker, Ball, Ballenger, Bamberger, Blythe, Clark, Cruse, Greer, Harper, Hoe, Huff, Johnson, Jones, Keith, Lawson, McKinney, R. L. Miller, Richey, Riddle, Russell, Schmidt, Simmons, Stuart, Vanover, Wesley, Wheeler, White, Wooley, Wright.

HB 157 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 157** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that consideration of **HB 405, HB 404** and **HB 101** be deferred and that they retain their positions in Orders of the Day. Agreed.

HB 451 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the following Amendment to **HB 451:**

Amend printed copy of House Bill 451 by:
on page 2, lines 4 through 28, by deleting all those lines.
pages 3, 4, 5, 6, and 7, by deleting those pages entirely.
and on page 8, lines 1 through 13, by deleting all those lines.
Agreed.

On the roll call the vote was yeas 66—Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler,, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Maddox, Massey, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Morgan, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Saylor, Siemens, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wooley. Nays 4—Akers, Clark, Hardin, Louden.

HB 451 as amended was passed and the title agreed to.

Representative Pettit moved that the vote by which **HB 451** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

State Government: **HB 607, HB 608, HR 93.**

Agriculture: **HB 609, HB 611.**

Public Utilities: **HB 610.**

Labor and Industry: **HB 612, HB 614.**

Cities: **HB 613.**

Orders of the Day (Cont.)

HB 184, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hoe moved the adoption of the Committee Amendment No. 1 to **HB 184.** Agreed.

Representative Wesley moved that **HB 184** be laid on the Clerk's desk.

Recess

Representative Hoe moved that the House recess until 7:30 p.m.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 156, SB 275, SB 306, SB 333, SB 347, SB 372, SR 51, SR 57, HB 52, HB 134, HB 142, HB 215, HB 217, HB 261** with Amendment, **HB 271, HB 423** with Amendment, **HB 142, HB 46** with Amendment, **HB 49** with Amendment, **HR 13, HR 30, HR 43, HR 53** and **HR 61.**

Representative Morgan moved that the Rules be suspended for introduction of Bills and Resolutions: Agreed.

Introduction of Bills and Resolutions

HB 615, by Representative Hunt: AN ACT relating to urban renewal and redevelopment.

HB 616, by Representatives Jones and Melton: AN ACT relating to school board elections.

HB 617, by Representative Isler: AN ACT relating to compensation of justices of the peace.

HR 97, by Representative Holbrook: A RESOLUTION expressing the sense of the House of Representatives that a road should be built to give the people in the area of Craft Colly an outlet to the main highway.

Representative Morgan moved that the House concur in the following Senate amendment to **HB 46:**

Amend printed copy of House Bill 46:

on page 1, line 2, after the word education: Add: "and Boards of Regents and Board of Trustees of public institutions of higher learning."

on page 1, line 5, after the word education: Add: The same as above in quotes.

on page 1, line 6, after the word education: Add: The same as above in quotes.

on page 1, line 10, after the word education: Add: The same as above in quotes.

on page 1, line 12, after the word schools: Add: "and public institutions of higher learning."

on page 2, delete all of lines 1 and 2.

on page 2, lines 1, 2, by: Adding: "not affect the eligibility of any school system to participate in the foundation program as established in KRS Chapter 157."

Agreed.

Representative Morgan moved that **HB 46** be placed upon its passage as amended.

On the roll call the vote was yeas 57—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Colley, Cruse, Curlin, James, A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Halleck, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Isler, Jones, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Maddox, May, McCallum, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Pettit, Rattliff, Ray, W. J. Reynolds, Russell, Schmidt, Tobin, Vanover, Webster, Wells, Wesley, White, Wright. Nays 0.

HB 46 as amended was passed and the title agreed to.

Representative Morgan moved that the House ask the Senate to recede from their amendment to **HB 49.** Agreed.

Representative Morgan moved that the House concur in the following Senate amendment to **HB 261:**

Amend printed copy of House Bill 261

Amend printed copy of House Bill #261 by deleting therefrom all of lines 10 through 26 on page three, and substituting therefor the following: *(6) Each county tax commissioner, under the direction of the Department of Revenue, shall review annually all real property listed with him under subsection (5) of this section and claimed to be exempt from taxation by Section 170 of the Constitution. The county tax commissioner shall place on the tax rolls all such property that is not exempt. Any county tax commissioner who fails to comply with this subsection shall be subject to the penalties prescribed in KRS 132.990 (2).*

Agreed.

Representative Morgan moved that **HB 261** be placed upon its passage as amended.

On the roll call was years 73 – Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe,

Brown, Bruce, Clapp, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Schmidt, Simmons, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 1 – James.

HB 261 as amended was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate amendment to **HB 423:**

Amend printed copy of House Bill 423 on page 1, line 9, by:

adding after the word *"year."* the following: *"A legislative day shall be construed to mean a calendar day on which either house of the General Assembly is in session."*

Agreed.

Representative Morgan moved that **HB 423** be placed upon its passage as amended.

On the roll call the vote was yeas 75—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Riddle, Russell, Saylor, Schmidt, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 423 as amended was passed and the title agreed to.

Representative Hoe moved that the discussion of **HB 184** interrupted by Recess be continued. Agreed.

Representative Hoe moved the adoption of the following Amendment No. 2 to **HB 184:**

Amend printed copy of House Bill 184 on page 4, line 11, by:

adding after the word "in" the following words:

"the circuit court of the county in which the person resides or in the circuit court of the county in which the alleged offense was committed or in"

Agreed.

Representative King moved the adoption of the following Amendment No. 3 to **HB 184:**

Amend printed copy of House Bill 184 on page 2, line 5, by:

deleting the word "not"

and on page 2, line 6 by deleting the word "may" and inserting therein in lieu thereof the words "shall not"

On the roll call the vote was yeas 13—Blume, Cox, Isler, Jones, Keene, King, Louden, Massey, Melton, Mershon, Robert L. Miller, Murphy, Ray. Nays 57—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bruce, Clapp, Coffey, Cruse, J. A. Davis, W. F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, James, Lankford, Lassiter, Lawson, Maddox, May, McBrayer, McCallum, McKinney, C. R. Miller, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Russell, Schmidt, Simmons, Smith, Stuart, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 3 to **HB 184** was rejected.

Representative Blume moved the adoption of the following Amendment No. 4 to **HB 184:**

Amend printed copy of House Bill 184 on page 6, lines 18 and 19, by:

striking the words *"shall result in revocation of his license as provided in Section 3 of this act."*

and by removing the bracket on lines 19 and 21,

Rejected.

On the roll call the vote was years 71 — Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Maddox, McBrayer, McCallum, McGill, McNamara, Clarence R. Miller, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Riddle, Russell, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 4—Blume, R. L. Miller, Murphy, Ray.

HB 184 as amended was passed and the title agreed to .

Representative Hoe moved that the vote by which **HB 184** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 337 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was years 62 — Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoffman, Holbrook, Huff, Irick, Isler, Jones, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McGill, McNamara, Mershon, Mitchell, Pettit, Prather, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Schmidt, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 3 — Bruce, DeMarcus, Simmons.

HB 337 was passed and the title agreed to.

HB 341 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60 — Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Brown,

Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Jones, Keene, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mitchell, Morgan, Rattliff, W. J. Reynolds, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 0.

HB 341 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 341** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 82 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, Mershon, Clarence R. Miller, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Schmidt, Simmons, Stuart, Tobin, Vanover, Wheeler, White, Wooley. Nays 1—Wright.

HR 82 was passed and the title agreed to.

HB 292 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bruce, Clapp, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Harper, Hinkle, Hoe, Hoffman, Holbrook,

Hopkins, Huff, Isler, James, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, White, Wooley, Wright. Nays 0.

HB 292 was passed and the title agreed to.

HB 484 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65 — Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, James, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Ratliff, W. J. Reynolds, Richey, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 1 — Schmidt.

HB 484 was passed and the title agreed to.

HB 172 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 45 — Akers, Alexander, Allen, Baker, Ball, Ballenger, Bleemel, Cox, Cruse, Curlin, Walter F. Davis, Halleck, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Isler, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McCallum, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Prather, W. J. Reynolds, Schmidt, Simmons, Tobin, Vanover, Webster, Wheeler, White, Wooley. Nays 8 — Blandford, Blythe, DeMarcus, Greer, James, Rickert, Wesley, Wright.

HB 172 was passed and the title agreed to.

HB 300 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64 — Akers, Alexander, Allen, Baker, Ball, Ballenger, Blandford, Bleemel, Blythe, Bruce, Clapp, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Schmidt, Simmons, Smith, Tobin, Vanover, Webster, Wheeler, White, Wolchik, Wooley, Wright. Nays 4 — Brown, DeMarcus, Wells, Wesley.

HB 300 was passed and the title agreed to.

Representative King moved that the vote by which **HB 300** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative DeMarcus moved that the House adjourn until 11:00 a.m., Friday, March 8, 1968.

On the roll call the vote was yeas 18—Alexander, Allen, Bruce, Clapp, DeMarcus, Henry, Hinkle, Huff, James, Jones, Keith, Maddox, Massey, McCallum, Simmons, Smith, Webster, Wells. Nays 43—Arnett, Baker, Ballenger, Bamberger, Bleemel, Blume, Blythe, Cox, Curlin, J. A. Davis, Halleck, Harper, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, Justice, Keene, King, Lankford, Lassiter, Lawson, May, McBrayer, Mershon, C. R. Miller, Murphy, Pettit, Prather, Rattliff, Ray, Richey, Rickert, Schmidt, Tobin, Vanover, Wesley, Wheeler, White, Wooley, Wright.

The motion to adjourn was rejected.

HB 331, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the Committee Amendment to **HB 331.** Agreed.

On the roll call the vote was yeas 63—Akers, Alexander, Allen, Arnett, Baker, Ball, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Cox, Cruse, Walter F. Davis, Denham, Floyd, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Jones, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McCallum, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 3—DeMarcus, Henry, Wesley.

HB 331 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 331** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 468 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bamberger moved the adoption of the following Amendment No. 1 to **HB 468:**

Amend printed copy of House Bill 468 on page 2, line 9, by:

adding after the word "Governor." the words "Said five members shall represent five different geographical sections of Kentucky."

Agreed.

Representative Bamberger moved the adoption of the following Amendment No. 2 to **HB 468:**

Amend printed copy of House Bill 468 on page 1, line 9, by:

adding the following sentence ending in "hire" "and derive 20% or more of annual income from the sale of such photographs."

Agreed.

On the roll call the vote was yeas 45 — Akers, Baker, Ball,

Ballenger, Bamberger, Bleemel, Blume, Blythe, Bruce, Coffey, Cox, Cruse, James A. Davis, Greer, Halleck, Harper, Hoe, Holbrook, Huff, Irick, Jones, Keith, Kidd, King, Lankford, Lawson, Maddox, McGill, McKinney, Melton, Mershon, Clarence R. Miller, Murphy, Pettit, Richey, Schmidt, Simmons, Smith, Stuart, Tobin, Wesley, Wheeler, White, Wolchik, Wright. Nays 11 — Alexander, Allen, Blandford, Brown, DeMarcus, Isler, James, Lassiter, Ray, W. J. Reynolds, Webster.

HB 468 as amended was passed and the title agreed to.

Representative Bamberger moved that the vote by which **HB 468** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 257, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Irick moved the adoption of Committee Amendment No. 1 to **HB 257.** Agreed.

Representative Wolchik moved that **HB 257** and **HB 258** be laid on the Clerk's desk. Agreed.

Representative Morgan moved that consideration of **SR 31, SR 29, SB 12, SB 180, SB 86, SB 225, SB 41, SB 101, HB 431, HB 429** and **HB 391** be deferred and that they retain their positions in Orders of the Day. Agreed.

HB 517 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73 — Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Cox, Cruse, Curlin, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Irick, Isler, James, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, Mc-

Kinney, McNamara, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 0.

HB 517 was passed and the title agreed to.

HB 412 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Jones, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, Melton, Clarence R. Miller, Mitchell, Morgan, Murphy, Prather, Rattliff, W. J. Reynolds, Richey, Schmidt, Simmons, Smith, Stuart, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wright. Nays 1—James.

HB 412 was passed and the title agreed to.

HB 537 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58—Akers, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Denham, Greer, Halleck, Harper, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones, Justice, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, Clarence R. Miller, Mitchell, Morgan, Pettit, Prather, W. J. Reynolds, Richey, Schmidt, Simmons, Stuart, Tobin, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 4—Arnett, Floyd, Melton, Smith.

HB 537 was passed and the title agreed to.

HB 476 taken from Orders of the Day and ordered read at

length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McKinney, McNamara, Melton, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Schmidt, Simmons, Smith, Stuart, Tobin, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 1—James.

HB 476 was passed and the title agreed to.

Representative Ball moved that the vote by which **HB 476** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 474 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 62 — Akers, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Cox, Cruse, Walter F. Davis, Denham, Floyd, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McNamara, Mitchell, Morgan, Pettit, Rattliff, Ray, W. J. Reynolds, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 2 — King, Rickert.

HB 474 was passed and the title agreed to.

Representative Ball moved that the vote by which **HB 474** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 475 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 52 – Akers, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blythe, Brown, Clapp, Cruse, Walter F. Davis, Denham, Greer, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, James, Jones, Keene, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, W. J. Reynolds, Richey, Schmidt, Simmons, Stuart, Tobin, Vanover, Wells, Wesley, White, Wooley, Wright. Nays 1 – King.

HB 475 was passed and the title agreed to.

HB 496 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bruce, Clapp, Clark, Cruse, Walter F. Davis, Denham, Floyd, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones, Justice, Keene, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, May, McKinney, McNamara, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Schmidt, Smith, Stuart, Tobin, Vanover, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 1—Blythe.

HB 496 was passed and the title agreed to.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions: Agreed.

Reference of Bills and Resolutions

Banking and Insurance: **SB 290, SB 299, SB 300, SR 51.**

Counties and Special Districts: **HB 617, SB 275.**

Education: **HB 616.**

Elections and Constitutional Amendments: **SB 306.**

Health and Welfare: **SR 53.**

Judiciary: **SB 156, SB 344, SB 347.**

State Government: **HB 615, HR 97, SB 218, SB 232, SB 284, SB 301, SB 314, SB 317, SB 321, SB 322, SB 333, SB 349, SB 367, SB 372, SR 21, SR 46, SR 57.**

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Agriculture and Natural Resources reported **HB 609, HB 590** and **SB 250** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 609, AN ACT relating to the levy and assessment of property taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each tax commissioner shall assess at its fair cash value all property which it is his duty to assess. In the case of securities which are regularly bought and sold through stock exchanges, the price at which such property closed on the last regular business day preceding the assessment day shall be prima facie evidence of the fair cash value of such property. The property of one person shall not be assessed wilfully or intentionally at a lower or higher relative value than the same class of property of another, and any grossly discriminatory valuation shall be construed as an intentional discrimination. The tax commissioner shall make every effort, through visits with the taxpayer, personal inspection of the property, from records, from his own knowledge, from information in property schedules, and from such other evidence as he may be able to obtain, to locate, identify, and assess property.

(2) In the case of real property, the fair cash value shall

be determined by reference only to factors relating to the actual use of the property as of the assessment date, and the tax commissioner shall consider no factors not so related. The tax commissioner shall consider the following use factors only:

(a) The present depreciated value of all of the improvements thereon as they relate to and are affected by the use being made of such property;

(b) the quantity and shape of each tract of real estate being assessed;

(c) the condition of said property;

(d) the income produced by said property from such use as is being made thereof as of the date of assessment, and (e) the character of the general area, neighborhood, or environment in which said property is located; provided, that, in computing the fair cash value, no consideration shall be given to the price produced by the sale of any property other than the property being assessed and unless such sale was voluntarily made and within one year preceding the date of such assessment.

(3) The zoning classification of any real property located within a planning unit as defined in KRS 100.113 in which a zoning map and/or regulations have been adopted shall be prima facie evidence of the actual use of that property.

(4) [2] If the tax commissioner assesses any property, except stocks and bonds at the market value listed in recognized publications, at a greater value than that listed by the taxpayer or assesses unlisted property, the tax commissioner shall serve notice on the taxpayer of such action. The notice shall be given by first class mail or as provided in the Kentucky Rules of Civil Procedure.

(5) [3] Any taxpayer may designate on the property schedule any property which he does not consider to be subject to taxation, and it shall be the duty of the tax commissioner to obtain and follow advice from the Department of Revenue relative to the taxability of such property.

(6) The Department shall issue such regulations as may be

necessary to guide tax assessors in the performance of their duties under this section.

HB 590, AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 244.260 is amended to read:

(1) No wholesaler shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine in any container except in the original sealed package containing quantities of not less than *two* [eight] ounces each of distilled spirits or six ounces of wine, and not exceeding one quart each of distilled spirits or fifty-five gallons each of wine, as received from the distiller, rectifier, vintner or wholesaler, as the case may be. Such containers shall at all times have affixed to them such labels as may be required by the regulations of the board, together with all necessary Federal revenue and state excise tax stamps.

(2) No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels or kegs. "Case" as used in this section means a carton of containers aggregating not less than two and four-tenths nor more than three wine gallons.

Section 2. KRS 244.340 is amended to read:

(1) No retailer of distilled spirits or wine by the package, other than a railroad system licensee, shall purchase, keep upon the licensed premises or sell any distilled spirits or wine by the package in any container except in the original sealed package containing quantities of not less than *two* [eight] ounces of distilled spirits or six ounces of wine and not exceeding one quart each of distilled spirits or fifty-five gallons each of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required Federal revenue and state excise tax stamps.

(3) No container shall be opened nor its contents consumed on the licensed premises unless the licensee also holds a retail drink license.

SB 250, AN ACT relating to animal disease control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 257.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) No [person] *corporation, company, partnership, organization or individual* shall [use any serum, virus or other material containing the germ of glanders, Texas fever, hog cholera, hydrophobia, contagious pleuro-pneumonia, anthrax, black leg or any other contagious disease, unless the serum, virus or other material has been approved by the Bureau of Animal Industry of the United States Government, the experiment station or the board.] *ship transport or cause to be imported into the Commonwealth of Kentucky any live unattenuated pure culture of a pathogenic bacteria, virus or disease producing agent of animal origin unless a permit is secured from the United States Department of Agriculture and the Board. All biologics for immunization or treatment offered for sale, use or distribution in the Commonwealth shall be approved by the United States Department of Agriculture or the Board.*

(2) No live or modified live viruses, vaccines, antigens or disease producing organisms shall be sold to any person, firm or corporation in the Commonwealth of Kentucky unless such person, firm or corporation shall be a licensed veterinarian, druggist, firm or corporation authorized under the Kentucky statutes to receive, hold and sell biologics.

Section 2. Sections 257.075, 257.190 and 257.200 of the Kentucky Revised Statutes are repealed.

The Committee on Health and Welfare reported **SB 291** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 291, AN ACT relating to medical examiners and postmortem examinations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting legislation establishing a medical examiner service program for the Commonwealth of Kentucky it is not the intention of the General Assembly to abolish or interfere with the coroner in his role as a constitutionally elected peace officer. It is the intention of the General Assembly for the medical examiner service program to aid, assist and complement the coroner in the performance of his duties by providing medical assistance to him in determining the causes of death.

Section 2. As used in this Act:

(1) "Board" means the State Board of Health;

(2) "Department" means the State Department of Health;

(3) "Medical Examiner Section" means the Medical Examiner Services and Post-Mortem Examination Section of the State Department of Health.

Section 3. There is hereby created within the State Department of Health a Medical Examiner Services and Post-Mortem Examination Section. The Medical Examiner Section shall, within budgetary limitations, provide medical assistance to coroners in investigating deaths; provide or contract for laboratory facilities for performing autopsies and investigations pursuant to this Act; provide for the keeping of reports of all investigations and examinations; and provide such other functions and duties as may be specified in this Act or in the rules and regulations of the State Board of Health.

Section 4. An Advisory Commission is hereby established to act in a general advisory capacity to the Medical Examiner Services and Post-Mortem Examination Section. The Commissioner of Health and the Commissioner of Public Safety shall be ex officio members of the Advisory Commission. The Commissioner of Health shall appoint five additional members for terms of four years each or until their successors are appointed and qualify. Members of the Advisory Commission shall receive no compensation for their services but shall be repaid their actual expenses incurred in attending meetings.

Section 5. The Medical Examiner section shall be headed

by a director appointed by the Commissioner of Health and staffed with such other personnel as may be necessary to carry out the provisions of this Act. The director shall be a physician licensed to practice medicine in Kentucky who has had a minimum of two years postgraduate training in pathology.

Section 6. The State Department of Health may establish or contract for physical facilities for the conduct of post-mortem and other necessary examinations. The department may employ, by contract or otherwise, pathologists, toxicologists and other ancillary, technical and administrative personnel to perform autopsies and such other pathological, chemical and other studies and examinations as may be deemed necessary. Such studies and examinations may be performed in another state if deemed to be in the best interest of the Commonwealth by the Director of the Medical Examiner Section and the reports thereof shall have the same validity and admissability in evidence as those performed within tihs state when duly certified by the Medical Examiner Section of the Department.

Section 7. The department may employ physicians licensed to practice medicine in Kentucky as county or district medical examiners to carry out the provisions of this Act within the counties or districts to which they are assigned by the Medical Examiner section. The department may designate county health officers as county or district medical examiners and may authorize additional compensation therefor.

Section 8. At the request of the coroner the county or district medical examiner shall assist in the investigation of deaths.

Section 9. Notwithstanding the provisions of KRS 72.090, autopsies and other examination services performed pursuant to this Act may be without charge if budgetary limitations so permit but in the event budgetary limitations are deemed to be inadequate, the board may, by regulation, adopt a reasonable schedule of fees and charges for autopsies and other services to be paid for by the county concerned out of the county treasury.

Section 10. The State Board of Health shall adopt rules and regulations to carry out the provisions of this Act.

Section 11. (1) Reports of investigations, examinations and autopsies made pursuant to this Act or transcripts or copies thereof certified by the director of the medical examiner section or by any county or district medical examiner shall be admissible in evidence in any court of this state.

(2) The board is authorized to establish a schedule of fees for issuing duplicate records of investigations, examinations, autopsies and other records; provided however, that one copy shall be provided free of charge to either the city, county or commonwealth attorney concerned.

Section 12. Where a duly elected coroner is a physician licensed to practice medicine in Kentucky, he may be authorized by the department to perform the duties of a county or district medical examiner and may be compensated by the department therefor.

Section 13. Fees collected pursuant to this Act shall be deposited in the State Treasury and credited to a trust and agency fund to help defray the cost of carrying out the provisions of this Act.

Section 14. Anyone participating in good faith pursuant to this Act or the rules and regulations of the board shall have immunity from any civil liability that might otherwise be incurred or imposed.

Section 15. Subsection (2) of Section 72.080 of the Kentucky Revised Statutes is repealed.

The Committee on Health and Welfare reported **HB 582** without expression of opinion.

The Committee on Appropriations and Revenue reported **SB 172, HB 502, HB 540** and **HB 543** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 172, AN ACT relating to ad valorem property taxation in school districts.

WHEREAS, House Bill No. 1 enacted at the 1965 Extraordinary Session of the General Assembly amended KRS 160.470, 160.477 and 157.440 so as to limit generally the revenues derived by school districts from ad valorem property taxes to the amounts realized therefrom in 1965, subject to certain additions and exceptions stated in those sections as amended; and

WHEREAS, the revenues thereafter authorized for school districts from property taxation were made dependent largely upon the tax rates actually levied in 1965; and

WHEREAS, the tax rates for general fund purposes levied in a number of school districts in 1965 were less than the $1.50 maximum rate then authorized by KRS 160.475; and

WHEREAS, the special voted tax rates authorized and approved by the voters pursuant to KRS 157.440 and/or 160.477 were levied in 1965 in a number of school districts at less than the maximum rates theretofore approved by the voters of such districts; and

WHEREAS, application of the tax roll-back features of the 1965 legislation in such school districts worked particular hardship on those districts by restricting their potential growth and impending expansion and building construction programs already planned; and

WHEREAS, it is desirable that those school districts be placed on an equal footing for 1968-1969 and all subsequent years with all other school districts which in 1965 had tax levies at the maximum rates then authorized;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the State Board of Education, showing the amount of money needed for current expenses, debt service, capital outlay, and other

necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the Department of Revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the preceding year's rate to the preceding year's assessment, exclusive of voted levies and net assessment growth as defined in KRS 132.425, except as provided in subsection (4) of KRS 157.380 and as provided in subsection (4) of this section. In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) The Superintendent of Public Instruction shall certify to each district board of education, by June 1 of each year, the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The Superintendent of Public Instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the preceding year's rate to the preceding year's assessment.

(b) The Superintendent of Public Instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the preceding year's effective tax rate to the net assessment growth in each school district. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the Superintendent of Public Instruction by the Department of Revenue by May 20 of each year,

(c) *The Superintendent of Public Instruction shall compile a list of those school districts in which the general fund ad valorem tax for the 1965-1966 school year was levied at a rate less than the $1.50 maximum authorized by KRS 160.475. The Superintendent of Public Instruction shall then calculate for each such district the revenue that would have been produced for the 1965-1966 school year if such tax had been levied at the $1.50 rate. He shall then re-calculate the maximum permissable local ad valorem tax revenue that would have been authorized for each such district for the 1966-1967 and 1967-1968 school years as though the 1965-1966 tax had been levied at the $1.50 rate, including in such re-calculation the revenue that would have been derived from taxation of net assessment growth under (b) of this subsection and the revenue that would have been derived f rom any percentage increases actually adopted by the district under subsection (4) of this section. The maximum permissible local ad valorem tax revenue so re-calculated for the 1967-1968 school year shall, for such districts, be deemed the total amount of ad valorem tax revenue to be determined by the Superintendent for the 1968-1969 school year under (a) of this subsection.*

(d) The sum of the amounts computed under (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (2) of this section, except as otherwise therein prescribed.

Section 2. Section 160.477 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Upon request of the board of education of any school district, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, the question as to whether a special school building tax rate of not less than five cents nor more than fifty cents as requested by the board shall be levied on each one hundred dollars of property subject to local taxation. This tax levy shall be in addition to the maximum school tax levy provided by subsection (2) of KRS 160.470. The income from the tax shall be used for the purchase or lease of school sites and buildings, for the erection and complete equipping of new

school buildings, for the major alteration, enlargement and complete equipping of existing buildings, for the purpose of retiring, directly or through rental payments, school revenue bonds issued for such school building improvements, and for the purpose of financing any program for the acquisition, improvement, or building of schools. The question shall be so framed that the voter may by his vote answer "For" or "Against."

(b) The election shall be held at a time fixed in the ordinance or resolution, not less than fifteen or more than thirty days from the time the request of the board is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the school district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be borne by the fiscal court except where the election is held in a district embracing a city of the first five classes, in which case the cost of the election shall be borne by the governing body of the city.

(c) If a majority of those voting on the question favor the special school building tax levy, the tax levying authority shall when the next tax rate for the district is fixed levy the special rate specified by the board of education of the school district for the school building fund in addition to the levy provided by subsection (2) of KRS 160.470.

(2) There may be included, in the maximum levy provided for in subsection (2) of KRS 160.470, a special levy for building fund purposes as authorized by KRS 160.476, which shall be in addition to the levy authorized by vote as provided in subsection (1) of this section.

(3) In addition to or in lieu of this special tax, any board of education may pay into this special fund at the close of any fiscal year the proceeds from the sale of land or property no longer needed for school purposes and allow any balances to remain in the general fund over and above the amount necessary for discharging obligations for the fiscal year in full.

(4) The special fund provided for in subsection (1) of

this section shall be kept in a separate account designated as "Special Voted School Building Fund." The fund shall be kept in the depository selected by the district board of education, or invested in bonds of the United States, of this state, or of any county or municipality in this state, provided, however, that such investment shall be approved by the State Board of Education.

(5) All expenditures from such fund shall be made solely for the purposes enumerated in this section and shall be made in accordance with the school laws of the state at such times as the district board of education determines. The district board of education shall cause to be made annually an audit of the building fund by a certified public accountant or by an accountant approved by the State Department of Education.

(6) Notwithstanding the provisions of any other subsection of this section to the contrary, for the 1966 tax year and for all subsequent years no district board of education shall request the levy of a rate under the provisions of this section which exceeds the compensating tax rate as defined in KRS 132.010, except as provided in subsection (7) of this section, and except that a rate which has been approved by the voters under this section but which was not levied by the district board of education in 1965 may be levied after it has been reduced to the compensating tax rate as defined in KRS 132.010 [.], *and was less than the maximum rate approved by the voters, the compensating tax rate shall be computed and may be levied as though the maximum approved rate had been levied in 1965 and the amount of revenue which would have been produced from such maximum levy had been derived therefrom.*

(7) Notwithstanding the limitations contained in subsection (6) of this section no tax rate shall be set lower than that necessary to provide such funds as are required to meet principal and interest payments on outstanding bonded indebtedness and payments of rentals in connection with any outstanding school revenue bonds issued under the provisions of KRS Chapter 162.

Section 3. Section 157.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the local tax effort required by KRS 157.380, for participation in the equalization account of the public school foundation program fund, such districts or any other district may exceed the maximum provided by subsection (2) of KRS 160.470 provided that, upon request of the board, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, in the manner of submitting and voting as prescribed in subsection (1) (b) of KRS 160.477, the question whether a rate which would produce revenues in excess of the maximum provided by subsection (2) of KRS 160.470 shall be levied. If a majority of those voting on the question favor the increased rate, the tax levying authority shall, when the next tax rate for the district is fixed, levy the rate requested by the board not to exceed the rate authorized by the voters.

(2) For the 1966 tax year and for all subsequent years the rate levied by the levying authority under the provisions of this section for levies which were approved prior to December 16, 1965, shall be the compensating tax rate as defined in KRS 132.010, except as provided in subsection (3) of this section and except that a rate which has been approved by the voters under this section but which was not levied by the district board of education in 1965 may be levied after it has been reduced to the compensating tax rate as defined in KRS 132.010 [.], *and except that in any school district where the rate levied in 1965 was less than the maximum rate approved by the voters, the compensating tax rate shall be computed and may be levied as though the maximum approved rate had been levied in 1965 and the amount of revenue which would have been produced from such maximum levy had been derived therefrom.*

(3) Notwithstanding the limitations contained in subsection (2) of this section no tax rate shall be set lower than that necessary to provide such funds as are required to meet principal and interest payments on outstanding bonded indebtedness and payments of rentals in connection with any outstanding school revenue bonds issued under the provisions of KRS Chapter 162.

(4) The Superintendent of Public Instruction shall certify the compensating tax rate to the levying authorities.

HB 502, AN ACT relating to income tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 141.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Revenue;

(2) "Department" means the Department of Revenue;

(3) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 1965, exclusive of any amendments made subsequent to that date;

(4) "Dependent" means those persons defined as dependents under Section 152 of the Internal Revenue Code;

(5) "Fiduciary" means "fiduciary" as defined in Section 7701(a) (6) of the Internal Revenue Code;

(6) "Fiscal year" means "fiscal year" as defined in Section 7701(a) (24) of the Internal Revenue Code;

(7) "Individual" means a natural person;

(8) "Federal income tax" means income tax paid or accrued to the United States Government on income subject to assessment and taxation under the provisions of this chapter;

(9) "Gross income" in the case of taxpayers other than corporations means "gross income" as defined in Section 61 of the Internal Revenue Code and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the constitution and statutory laws of the United States;

(b) Exclude dividend income received from stock of banks and trust companies organized under the laws of this state;

(c) Exclude undistributed income attributed to shareholders of a corporation which has elected to be taxed under Subchapter S of Chapter 1 of the Internal Revenue Code;

(d) Include interest income derived from obligations of sister states and political subdivisions thereof;

(e) Include the amount of dividends excluded by Section 116 of the Internal Revenue Code;

(10) "Adjusted gross income" in the case of taxpayers other than corporations means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and adjusted as follows: except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Include all overpayments of Federal income tax refunded or credited to the taxpayer during the taxable year;

(b) Deduct Federal income tax;

(c) Deduct all amounts up to $5,000 from annuities received from the federal civil service retirement system;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section minus the standard deduction allowed by KRS 141.081 or, at the option of the taxpayer, minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) The net operating loss deduction allowed under Section 172 of the Internal Revenue Code;

(b) Any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income;

(c) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such

deduction has not been claimed under KRS 140.090(h);

(d) The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the constitution and statutory laws of he United States;

(b) Exclude dividend income received from stocks of banks and trust companies organized under the laws of this state;

(c) Include all overpayments of Federal income tax refunded or credited to the taxpayer during the taxable year, other than such refunds or credits attributable to losses incurred prior to anuary 1, 1967;

(d) Include interest income derived from obligations of sister states and political subdivisions thereof;

(e) Exclude fifty percent of gross income derived from any disposal of coal covered by Section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditure sattributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(f) Include in the gross income of lessors income tax payments made by lessees to lessors under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(g) Include the amount calculated under KRS 141.205(5);

(h) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income.

(13) "Net income," in the case of corporations, means

"gross income" as defined in subsection (12) of this section minus all the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code, except the following:

(a) Any deduction for a state tax which is computed in whole or in part, by reference to gross or net income;

(b) The deductions contained in Sections 172, 176, 242, 243, 244, 245, and 247 of the Internal Revenue Code;

(c) The provisions of Sections 281 of the Internal Revenue Code shall be ignored in computing net income;

(14)(a) "Taxable net income," in the case of corporations having income taxable only in this state, means "net income" as defined in subsection 13) of this section minus Federal income tax as defined in subsection (8) of this section, and

(b) "Taxable net income," in the case of corporations having income taxable both within and without this state means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120, minus Federal income tax as defined in subsection (8) of this section;

(15) "Person" means "person" as defined in Section 7701 (a)(1) of the Internal Revenue Code.

16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which such return is made;

(17) "Resident" means any individual domiciled within this state;

(18)"Nonresident" means any individual not a resident of this state;

(19) "Employer" means "employer" as defined in Section 3401(d) of the Internal Revenue Code;

(20) "Employe" means "employe" as defined in Section 3401(c) of the Internal Revenue Code;

(21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;

22) "Wages" means "wages" as defined in Section 3401(a) of the Internal Revenue Code;

(23) "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code.

(24) "Corporations" means "corporations" as defined in Section 7701(a)(3) of the Internal Revenue Code.

HB 540, AN ACT providing for grants of state funds to local agricultural fairs and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Agriculture shall make grants of state funds to qualified local fairs to be used by them to pay premium awards for exhibits and displays of domestic livestock or other agricultural products. The grant of state funds made to any fair shall in no event exceed one-half of the amount of premiums paid out for livestock shows and agricultural exhibits and in no instance shall the allotment exceed *two thousand* [fifteen hundred] dollars. The premiums actually awarded shall conform to those appearing on the premium list issued by the fair. *Five hundred dollars of the grant may be used by the local fair board for new buildings or for improvements on old buildings to house livestock or other agriculture exhibits. No grant for such buildings shall be made until the local fair board has complied with the local fair program and qualified for the maximum state grant as provided in subsection (4). Such grant for facilities shall be matched by the local fair board. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.*

(2) There shall be a Fair Council in the Department of Agriculture. The council shall act in an advisory capacity to the commissioner in all matters pertaining to the administration of the department's fair program. It shall be called into session at such times as there are matters for its consideration. It shall meet at least twice each calendar year at Frankfort or at such other place that may be determined.

(3) The council shall be composed of the commissioner as chairman ex officio and the presidents or their designated representatives of the following state groups: Kentucky Livestock Improvement Association, Kentucky Farm Bureau Federation, Kentucky Association of Fairs and Horse Show, Inc., the Director of Vocational Agriculture Education, and the Dean of the College of Agriculture of the University of Kentucky.

(4) To qualify for a grant of state funds, a fair shall meet standards set by the commissioner and his advisory council whose approval may be given only if the fair:

(a) Provides in its by-laws for holding an annual fair running for at least three days;

(b) Presents, through the medium of youth organizations such as 4-H Clubs, Future Farmers of America and other similar organizations, an educational program concerning the production and marketing of livestock and other related subjects;

(c) Complies with all other rules and regulations which the Department of Agriculture is hereby authorized to promulgate;

(d) Appoints one or more members to its fair board from county livestock improvement associations and county farm bureaus and selects one or more county extension agents and vocational agriculture teachers for counties served by the fair as members of the board. Wherever county livestock improvement associations and farm bureaus are in existence, appointees are to be nominated to the fair board by these organizations. Where fairs serve an area, appointments may be made from all counties within the particular area. It shall be the responsibility of the appointees to aid in establishing livestock premium lists and planning agricultural exhibits.

(5) Any fair receiving a grant of state funds shall file with the Director of Livestock Shows and Fairs in the Department of Agriculture, by December first of the year in which the grant is received, satisfactory proof that all state premium awards have been paid and a financial report by a certified public accountant.

Section 2. To carry out the purposes of this Act, there is hereby appropriated to the Kentucky Department of Agriculture out of the General Fund in the State Treasurer the sum of $7,500 for the fiscal year 1968-69 and the sum of 10,000 for the fiscal year 1969-70. To provide, in addition to agricultural premiums for local fairs, a matched fund program to promote facility improvements for local fairs.

HB 543, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The Department of Education shall allocate from the regular appropriation for education in the 1968-1970 budget to each of those school districts usually described as "guarantee districts," and determinable under the provisions of Chapter 157 of the Kentucky Revised Statutes, the sum of two hundred two dollars per pupil in average daily attendance in each district for the fiscal year 1968-1969, and two hundred forty-two dollars per pupil in average daily attendance in each district for the fiscal year 1969-1970.

The Committee on State Government reported **SB 314, SB 316** with Committee Amendment attached thereto, **SB 297, HB 606, HB 605, HB 589** with Committee Amendments attached thereto, **HR 92** and **HR 90** with the expression of opinion that the same should pass.

SB 314, AN ACT relating to stenographic reporters.

WHEREAS, the Supreme Court held in *Griffin v. Illinois* in 1956 that a transcript was a part of due process, and

WHEREAS, in order to provide for good reporters to furnish the transcripts;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 28.460 is amended to read:

(1) Reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall receive a salary to be fixed by the *circuit* [fiscal] court *not to exceed a sum of five thousand dollars,* to be paid out of the county treasuries of the counties embraced in the district in proportion to the number of days of court provided for by law in each county *and to be paid upon certification of the circuit court to the fiscal courts.* In addition to such salary, the reporter shall be entitled to the fees provided for in this section.

(2) The fees of reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be twenty-five dollars per day for taking shorthand notes, provided that no reporter shall charge more than twenty-five dollars per day, and forty cents per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the commonwealth's attorney. If the taking or the transcript is requested upon the motion of the defendant, he shall pay for same if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the taking or for the transcript, the court shall direct the same to be paid by the county.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report of transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the county in whose behalf it is ordered.

(3) For duplicate copies of transcripts reporters of circuit

courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

SB 316, AN ACT relating to State Purchasing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 45.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Director of Purchasers, under the direction of the Commissioner of Finance, shall purchase, or shall delegate and control the purchase of, the combined requirements of all spending agencies of the state including, but not limited to, interests in real property, contractual services, rentals of all types, supplies, materials, equipment, and services, except that competitive bids may not be required:

(a) For contractual services where no competition exists, such as telephone service, electrical energy, and other public utility services;

(b) When in the judgment of the Director of Purchases food, clothing, equipment, supplies, or other materials to be used in laboratory and experimental studies can be purchased otherwise to the best advantage of the state; and instructional materials available from only one source;

(c) Where rates are fixed by law or ordinance;

(d) For library books;

(e) For commercial items that are purchased for resale;

(f) For professional, technical, or artistic services (contracts exempted by this provision shall be referred to the Department of Personnel for review and approval); and

(g) For all other commodities, equipment and services which, in the reasonable discretion of the Director of Purchases, are available from only one source.

(h) Interests in real property.

(2) Nothing in this section shall deprive the Division of Purchases from negotiating with vendors who maintain a General Service Administration price agreement with the United States of America or any agency thereof, provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between General Service Administration and the vendor affected.

(3) The Division of Purchases shall have supervision over all purchases by the various spending agencies, except as otherwise provided by law, and shall prescribe rules and regulations to govern purchasing by or for all such agencies, subject to the approval of the Commissioner of Finance, and shall publish a manual of procedures to be distributed to agencies and to be revised upon issuance of amendments to such procedures. No purchase or contract shall be binding on the state or any agency thereof unless approved by the division or made under general regulations which the Department of Finance may prescribe.

(4) The Division of Purchases shall adopt regulations to require agencies to take and maintain inventories of plans and equipment. The Division of Purchases shall conduct periodic physical audits of inventories.

(5) The Director of Purchases shall require all agencies to furnish an estimate of specific needs for supplies, materials, and equipment to be purchased by competitive bidding for the purpose of permitting scheduling of purchasing in large volume. He shall establish and enforce schedules for purchasing supplies, materials, and equipment. In addition, all agencies shall submit to the Director of Purchases prior to the beginning of each fiscal year an estimate of all needs for supplies, materials, and equipment during that year which will have to be acquired through competitive bidding.

(6) The Division of Purchases shall have power, with the approval of the Commissioner of Finance, to transfer between departments, to salvage, to exchange, and to condemn supplies, equipment, and real property.

(7) The Division of Purchases shall sell or otherwise dispose of all property (including any interest in real property) of

the state which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the Commissioner of Finance. The determination of the Commissioner of Finance shall be set forth in an order, and shall be reached only after review of a written request by the agency desiring to dispose of the property. Such request shall describe the property and state the reasons why the agecny believes the disposal should be affected. All instruments required by law to be recorded which convey any interest in any such real property so disposed of shall be executed and signed by the Commissioner of Finance and approved by the Governor. Unless the Commissioner of Finance deems it to be in the best interest of the Commonwealth to proceed otherwise, all such property (including any interest in real property) shall be sold either by invitation of sealed bids or by public auction. *The selling price of any interest in real property shall not be less than the appraisal value of said property determined by the Department of Finance (or Department of Highways for such requirements of that department), unless, upon written request of the agency desiring disposal of the property, the Commissioner of Finance carefully reviews the proposed transaction, deems it to be in the best interest of the Commonwealth, and directs that the sale be completed.* [, provided however that the selling price of any interest in real property shall not be less than the appraised value thereof as determined by the Department of Revenue, or Department of Highways for such requirements of that department.]

(8) Except as provided in KRS Chapters 175, 176, 177 and 180, the Division of Purchases shall purchase or otherwise acquire all real property determined to be needed for state use, upon the approval of the Commissioner of Finance as to the determination of need and as to the action of purchase or other acquisition [, provided that the amount paid shall not exceed the appraised value as determined by the Department of Revenue, Department of Highways (for such requirements of that department), or value set by eminent domain procedure]. *The approval of the Commissioner of Finance as to the determination of need shall be set forth in an Official Order. Said order shall designate the property, or interest in property, deemed necessary and shall indi-*

cate the public use for which the property is being acquired. All property acquired shall be in fee simple when specified by the Official Order, and, if by condemnation, specified by the petition filed in the action. The Official Order of the Commissioner of Finance shall be conclusive of the public use of the condemned property and the condemnor's approval of the necessity for taking the property will not be disturbed in the absence of fraud, bad faith, or abuse of discretion. In no event shall the amount paid exceed the appraisal value of said property determined by the Department of Finance, Department of Highways (for such requirements of that Department), or value set by condemnation procedure, unless the Commissioner of Finance carefully reviews the proposed transaction, deems it to be in the best interest of the Commonwealth, and directs that the purchase be completed. The officials and employees of agencies for which property is being acquired are absolutely prohibited from discussing purchase price or entering into tentative purchase price agreements with owners of such property.

(9) Real property or any interest therein may be purchased, leased, or otherwise acquired from any officer or employe of any agency of the state upon a finding by the Division of Purchases, based upon a written application by the head of the agency requesting the purchase, and approved by the Commissioner of Finance and the Governor, that the employe has not either himself or through any other person influenced or attempted to influence either the agency requesting the purchase of the property or the Division of Purchases in connection with such acquisition. In any case in which such an acquisition is consummated, the said request and finding shall be recorded and kept by the Secretary of State along with the other documents recorded pursuant to the provisions of KRS Chapter 56.

(10) The Division of Purchases shall maintain records of all purchases and sales made under its authority and shall make periodic summary reports of all transactions to the Commissioner of Finance, the Governor, and the General Assembly. The division shall also report trends in costs and prices, including savings realized through improved practices, to the above authorities.

(11) The Director of the Division of Purchases shall at-

tempt in every practicable way to insure the state's supplying its real needs at the lowest possible cost.

Committee Amendment to **SB 316** is as follows:

Amend printed copy of Senate Bill 316 by:

Deleting subsection (7) of Section 1 beginning on page 3, line 22, and ending on page 4, line 22, and substituting the following:

(7) *Except as otherwise provided in this subsection the* [The] Division of Purchases shall sell or otherwise dispose of all property (including any interest in real property) of the state which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the Commissioner of Finance. The determination of the Commissioner of Finance shall be set forth in an order, and shall be reached only after review of a written request by the agency desiring to dispose of the property. Such request shall describe the property and state the reasons why the agency believes disposal should be effected. All instrumnts [required by law to be recorded] which convey any interest in any such real property so disposed of shall be executed and signed by the Commissioner of Finance and approved by the Governor. Unless the Commissioner of Finance deems it in the best interest of the state to proceed otherwise, all such property (including any interest in real property)shall be sold either by invitation of sealed bids or by public auction, provided however that the selling price of any interest in real property shall not be less than the appraised value thereof as determined by the Departmnt of [Revenue] *Finance, unless, upon written application of the agency desiring disposal of the property, the Commissioner of Finance carefully reviews the proposed transaction, deems it to be in the best interest of the Commonwealth, and directs that the proposed sale be completed.* [or Department of Highways for such requirements of that department.] *The Department of Highways shall lease or dispose of all real property (including any interest therein) held for its use and benefit which is determined to be surplus by Official Order of the Commissioner of Highways. Any disposition, other than lease, shall be by sealed bids or public auction unless the Commissioner of Highways*

deems it in the best interest of the state to proceed otherwise. The selling price of any such property shall not be less than the appraised value thereof as determined by the Department of Highways, unless the Commissioner of Highways carefully reviews the proposed transaction, deems it to be in the best interest of the Commonwealth, and directs that the proposed sale be completed. All instruments which convey any interest in any property so leased or disposed of shall be executed and signed by the Commissioner of Highways and approved by the Governor.

SB 297, AN ACT relating to the Kentucky Port and River Development Commission.

WHEREAS, all areas of the Commonwealth should have equal representation on the Commission, and to accomplish this purpose, there should be established five port and river development districts.

WHEREAS, each district should have one representative on the Commission.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 154.320 is amended to read:

(1) The Commission shall consist of the Commissioner of Commerce and *five* [four] citizens chosen by the Governor from each of the districts created in Section 2 of this Act. The citizen members shall be appointed for original terms of one, two, three, *three* and four years. Their successors shall be appointed for a term of four years and each shall be eligible for reappointment. *When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.*

(2) A majority of the members shall constitute a quorum for the purpose of organizing the commission and conducting the business thereof. The members shall elect a chairman from the *five citizen* [four lay] members and the executive director shall serve as secretary. Meetings may be called by the chairman or at the request of *three* [two] or more members.

(3) Members of the commission shall *not receive any* [be entitled to no] compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members of the Commission.

(4) Any members of the commission may be removed by the Governor for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Governor shall submit a written statement to the commission setting foth the reasons for removal, and the statement shall be read at the next commission meeting, which shall be open to the general public. The member so removed shall have the right of appeal to the Franklin Circuit Court.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The Commonwealth of Kentucky is divided into the following port and river development districts for purposes of selecting the five citizen members to serve on the commsision.

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Lyon and Trigg Counties.

(2) Second District: Crittenden, Caldwell, Christian, Union, Webster, Hopkins, Todd, Henderson, McLean, Muhlenberg, Logan, Daviess, Ohio, Butler, Warren, Simpson, Hancock, Edmonson, Allen, Barren, Metcalfe, Monroe, Clinton and Cumberland Counties.

(3) Third District: Breckinridge, Grayson, Hart, Green, Adair, Russell, Meade, Hardin, Larue, Taylor, Jefferson, Bullitt, Nelson, Marion, Washington, Spencer, Shelby, Oldham and Trimble Counties.

(4) Fourth District: Carroll, Henry, Franklin, Anderson, Mercer, Boyle, Casey, Pulaski, Wayne, Rockcastle, Jackson, Estill, Powell, Menifee, Rowan, Fleming, Mason, Bracken, Campbell, Kenton, Boone, Gallatin, Owen, Grant, Pendleton, Scott, Harrison, Woodford, Jassamine, Garrard, Lincoln, Fayette, Bourbon, Nicholas, Robertson, Madison, Clark, Montgomery and Bath Counties.

(5) Fifth District: Lewis, Greenup, Boyd, Carter, Elliott, Lawrence, Morgan, Johnson, Martin, Pike, Magoffin, Floyd, Wolfe, Lee, Breathitt, Knott, Owsley, Clay, Laurel, McCreary, Whitley, Knox, Bell, Harlan, Leslie, Perry and Letcher Counties.

HB 606, AN ACT, relating to area development in the Commonwealth of Kentucky.

WHEREAS, it is recognized that the Commonwealth of Kentucky is made up of several major geographic areas, each of which differs significantly from the others in basic characteristics of terrain, economy and other physical and cultural features; and

WHEREAS, it is recognized that the differing problems encountered in each of such areas are not the result of any single cause but involve the comprehensive range of human interests and physical conditions characteristic of each area; and

WHEREAS, an increasing number of federal and state programs have been adopted which have special effect or benefit for various areas and whose effectiveness is dependent upon and determined by data and criteria evaluated within an area context.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the Area Development Act.

Section 2. It is the purpose of this Act to provide the different areas of the Commonwealth of Kentucky with the means for co-ordinating with state, regional, and federal agencies in the development of Kentucky.

Section 3. This Act empowers the Governor to designate qualified Area Development Councils as the official area organizations which the Commonwealth will recognize for the purpose of insuring that regional differences in resources and goals are reflected in the plans and programs carried out under the purpose of this Act.

1. The Governor may certify an Area Development Council as being the official organization representing the area for devel-

opmental purposes upon recommendation by the "Administrator" of the Kentucky Program Development Office.

2. The "Administrator" of this office shall prepare such recommendation after he has received and reviewed a petition containing:

A. The name of the organization;

B. A list of the counties to be represented in the organization;

C. Satisfactory evidence that certification is devised by a majority of the county judges and mayors in the area;

D. Satisfactory evidence that the organization is properly chartered in Kentucky as a not-for-profit corporation with proper safeguards set forth in its by-laws to insure fiscal responsibility;

E. Satisfactory evidence that the organization is broadly representative of all organizations and groups concerned with the natural, economic, and human resources of the area, and that membership is open to all interested persons;

F. Satisfactory evidence that the executive body of the organization is a Board of Directors composed of:

(1) The county judge or his designee from each county in the area;

(2) One mayor or his designee from each county in the area to be selected by the mayors in the area; provided, however, that if a county has no incorporated city, the county judge shall appoint a person to serve on the Board of Directors in lieu of a mayor;

(3) A number of citizens consisting of one fewer than the number of judges and mayors on the Board, with the citizens to be selected by the Council through a system which provides substantially equal representation for each county and provides the opportunity for all groups represented on the Council to be selected to serve on the Board of Directors;

G. Satisfactory evidence that the purposes of the organization are to:

(1) Initiate and discuss ideas, projects, and programs and advising local, state, federal, and private agencies concerning them;

(2) Coordinate public and private programs for economic and social development of their area;

(3) Plan comprehensive area development programs for their district which includes: economic development, natural resource development, physical development, housing, human resource development; and

(4) Promote action to carry out plans and programs, conduct demonstration projects through appropriate organizations, public and private, using appropriate public and private funds.

Section 4. The Kentucky Program Development Office shall help strengthen area development organizations by providing:

1. Technical assistance by state program specialists;

2. A Central Information Service concerning state and federal programs;

3. Co-ordination between state agencies to achieve harmony between their programs and plans and the plans of the area councils;

4. Assistance in channeling appropriate federal grants and state grants to area development councils;

5. Assistance in forming a technical group composed of representatives of local, state, and federal agencies and institutions of higher learning, to provide technical assistance and advice as needed to the Council and the Board of Directors.

HB 605, AN ACT relating to the co-ordination of programs concerned with the development of the state, and providing for the establishment of the Kentucky Program Development Office.

WHEREAS, it is recognized that the Commonwealth of Kentucky is made up of several major geographic areas, each of which differs significantly from the others in basic characteristics of terrain, economy and other physical and cultural features; and

WHEREAS, it is recognized that the differing problems encountered in each of such areas are not the result of any single cause but involve the comprehensive range of human interests and physical conditions characteristic of each area; and

WHEREAS, there is a need to coordinate and focus the programs of the various agencies of state government to assure their best cooperation with the many other programs of federal agencies, private groups and institutions, and to assure their best use to meet the specific individual and total problems and to promote the economic growth of each of the differing areas of the Commonwealth; and

WHEREAS, an increasing number of federal and state programs have been adopted which have special effect or benefit for various areas and whose effectiveness is dependent upon and determined by data and criteria evaluated within an area context.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the Kentucky Program Development Act.

Section 2. It is the purpose of this Act to provide the state government of the Commonwealth of Kentucky with the means for co-ordinating with local, regional, and federal agencies in the development of Kentucky.

Section 3. As used in this Act unless the context otherwise requires:

1. "Office" means the Kentucky Program Development Office.

2. "Administrator" means the Administrator of the Kentucky Program Development Office.

Section 4. To carry out the purposes of this Act, there is hereby created and attached to the executive office of the Governor an agency of state government titled the Kentucky Program Development Office.

1. The head of the "Office" shall be appointed by the Governor to serve at his pleasure and shall be known as the "Administrator of the Kentucky Program Development Office."

2. The "Administrator" shall subdivide the affairs of the "Office" into those Divisions he deems necessary to properly discharge the responsibilities of the "Office."

Section 5. Pursuant to the purpose of this Act, the "Administrator" is designated as State Planning Officer to act for the Governor in co-ordinating state and federal programs relating to the development of Kentucky.

Section 6. In order to carry out the purposes of this Act, the "Office" is empowered to:

1. Assemble and disseminate developmental information concerning the resources of the state and federal agencies and their availability;

2. Cooperate with federal, state, and local governments, agencies, and institutions thereof in the co-ordination of programs for the encouragement of economic activity;

3. Cooperate with departments and agencies of the state in preparing and maintaining plans for the development of the resources of the state.

4. Assist in the co-ordination of developmental programs of local, state, and federal governments; private agencies; and institutions;

5. Encourage and foster research and developmental activities related to the development of Kentucky;

6. Receive and accept grants, gifts, and contributions of money, property, labor and other things of value from public and private sources, including grants from agencies and instrumentalities of the United States and including the receipt and acceptance, on behalf of the Commonwealth of Kentucky, of grants from agencies and instrumentalities of the United States, for providing planning and development assistance on a statewide basis as well as to political subdivisions of this state, which the Kentucky Program Development Office shall receive and

administer in accordance with the terms thereof and may contract with any such political subdivision, public or private consultant, to carry out the purposes for which such grants were made.

7. The Administrator shall provide state approval in relation to the state plan and after such consultation with appropriate agencies, where such approval is provided for in federal programs in all cases except those where such approval is specifically provided for in Kentucky statutes.

Section 7. The Kentucky Program Development Office shall help strengthen area development organizations by providing:

1. Technical assistance by state program specialists;

2. A Central Information Service concerning state and federal programs;

3. Co-ordination between state agencies to achieve harmony between their programs and plans and the plans of the area councils;

4. Assistance in channeling appropriate federal grants and state grants to area development councils;

5. Assistance in forming a technical group, composed of representatives of local, state, and federal agencies and institutions of higher learning, to provide technical assistance and advice as needed to the Council and the Board of Directors.

HB 589, AN ACT relating to the Division of Archaeology in the Department of Parks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

This Act may be cited as the State Archaeology Act.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

It is hereby declared to be the public policy of the Commonwealth to preserve archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology and anthropology.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act, unless the context otherwise requires:

(1) "Archaeological site" means any place where articles of value in the scientific study of historic or prehistoric human life and activities may be found, such as mounds, earthworks, forts, caves, rock shelters, mines, burial grounds, graves and village or camp sites of Indians or any aboriginal race or pioneers.

(2) "Object of antiquity" means a ruin, monument, relic, bone deposit, artifact or any product of human workmanship of Indians or any aboriginal race or pioneers.

(3) "Division" means the Division of Anthropology of the Department of Parks.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

There shall be established a Division of Archaeology within the Department of Parks for the purpose of expressing the archeological needs of the Commonwealth of Kentucky, and the Commissioner shall provide office space, staff, and other facilities necessary to carry out the purposes of this Act.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

(1) To plan, coordinate and execute or delegate a program of research in archaeology which shall include, but not be limited to, archeological sites and objects of antiquity which are on municipal, state or federally owned land in Kentucky or which are threatened with destruction by construction or by land improvement projects which receive public support.

(2) To represent the needs of the Commonwealth of Kentucky with reference to preserving its prehistoric heritage to federal, state and private agencies.

(3) To inform the citizens of the Commonwealth of Kentucky regarding their prehistoric heritage and to develop favorable public attitudes toward preserving Kentucky antiquities.

(4) To maintain direct liaison between professional and amateur archaeologists in the Commonwealth of Kentucky.

(5) To coordinate archaeological programs of the state's institutions of higher education.

(6) To maintain a system of records on all sites which are presently known and to record and keep on file all future discoveries.

(7) To prepare and exhibit materials of Kentucky prehistory.

(8) To disseminate information to the public on Kentucky prehistory.

(9) To perform other duties relating to archaeology as become necessary.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

The Division of Archaeology shall be under the direction of a state archaeologist possessing the following qualifications:

(1) An M.A. or Ph.D. in anthropology;

(2) At least two summer field schools or equivalent under archaeologists of recognized competence;

(3) Publication experience.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

An interim or acting state archaeologist may be appointed from the faculty of the Anthropology Department, at the University of Kentucky, University of Louisville, or other institution on a partially-funded or non-funded basis.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

No person shall wilfully injure, destroy or deface any archaeological site or object of antiquity situated on lands owned or leased by the Commonwealth or any state agency or any political subdivision or municipal corporation of the Commonwealth.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

(1) No person shall explore, excavate, appropriate or remove from land owned or leased by the Commonwealth or any state agency or any political subdivision or municipal corporation of the Commonwealth, any archaeological site or object of antiquity without first obtaining a permit from the Division of Archaeology upon the recommendation of the agency owning or having control of the land upon which the same is situated.

(2) If exploration or excavation of archaeological sites and the finding and gathering of objects of antiquity is undertaken for the benefit of reputable museums, universities, colleges or other recognized scientific or educational institutions with a view to promoting the knowledge of archaeology or anthropology, permits shall be regularly granted.

(3) Each permit issued by the division under this section shall accurately describe the location and sites of the ruins or deposits where the exploration or excavation is to be conducted and shall authorize such actions only at such location. The permit shall be upon such conditions as the division shall deem advisable for maximum effective exploration with a minimum of injury to the surrounding terrain. Each permit shall terminate upon the following thirty-first day of December, subject to an annual renewal on or before the following January 15. However, any permit may be revoked by the division at any time upon finding that explorations or excavations authorized by the permit are not being conducted lawfully or properly in accordance with its terms.

Section 10. A new section of the Kentucky Revised Statutes is created to read:

The division may designate archaeological sites and objects of antiquity and cause to be posted at the locations thereof appropriate signs or markers.

Section 11. A new section of the Kentucky Revised Statutes is created to read:

Any person who discovers an archaeological site or object of antiquity in the course of construction work or otherwise shall report such discovery to the division.

Section 12. A new section of the Kentucky Revised Statutes is created to read:

The division may enter into contracts or cooperative agreements with private landowners relating to the preservation and proper exploration of any archaeological site or object of antiquity situated on such private land. The division may acquire, with any funds available to it for such purpose, title to any real estate upon which is located an archaeological site or object of antiquity which the division determines it is important to be preserved.

Section 13. A new section of the Kentucky Revised Statutes is created to read:

Any person who violates the provisions of this Act shall be fined not less than fifty dollars nor more than five hundred dollars or confined in jail for not less than ten days nor more than six months, or both fined and imprisoned.

Section 14. Sections 164.705, 164.710, 164.715, 164.720, 164.725, 164.730, 164.735, and 164.990 (2) of the Kentucky Revised Statutes are repealed.

Committee Amendment to **HB 589** is as follows:

Amend printed copy of House Bill 589 on page 2, line 12, by:

striking the word "Parks" and inserting in lieu thereof the words "Natural Resources"

and on page 2, line 16, by striking the word "Parks" and inserting in lieu thereof the words "Natural Resources"

Title Amendment to **HB 589** is as follows;

Amend printed copy of House Bill 589—title amendment on page 1, by:

amending the title to read:

"AN ACT relating to the Division of Archaeology in the Department of Natural Resources."

HR 92, A JOINT RESOLUTION recognizing Area Consistency in the Commonwealth of Kentucky.

WHEREAS, Commonwealth of Kentucky Executive Order 67-233 dated March 30, 1967 recognized uniform districts for development purposes; and

WHEREAS, Executive Order of the President of the United States of America A-80 dated September 2, 1966 directs all federal agencies to recognize those uniform development districts so designated by the states:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That all states and federal agencies are directed to use these same boundaries and districts as set out in Kentucky Executive Order 67-233 in promoting the total development of Kentucky.

HR 90, A JOINT RESOLUTION authorizing and directing the Legislative Audit Committee to investigate the operation and financing of the Kentucky High School Athletic Association its relationship with the public schools of the Commonwealth of Kentucky and with the Kentucky Education Association, including its operating budget, capital investments, ticket sales and the proceeds from such sales.

WHEREAS, high school athletic events are the subject of increasing public interest within the Commonwealth of Kentucky; and

WHEREAS, the great majority of the high schools in the Commonwealth have athletic teams competing in various state high school athletic tournaments; and

WHEREAS, the Kentucky High School Athletic Association is substantially involved in the conduct of the state high school athletic tournaments;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Audit Committee be directed to investigate the operation and financing of the Kentucky High School Athletic Association, its relationship with the public schools of the Commonwealth of Kentucky and with the Kentucky Education Association, including capital investments, ticket sales, and the proceeds from such sales.

Representative Morgan moved that the House adjourn until 10:00 a.m., Friday, March 8, 1968.

On the roll call the vote was yeas 8—Ball, Carroll, Clark, James A. Davis, Keith, Prather, Rickert, Schmidt. Nays 4—Bowles, Hopkins, May, Peace.

The motion to adjourn was adopted.

FRIDAY, MARCH 8, 1968

FIFTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John L. Hunt, South Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Bowles, Brown, Johnson, Lassiter, Melton, R. L. Miller, Peace, Riddle, Sartin and Walters.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of March 7, 1968, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 98, by Representative Huff: A JOINT RESOLUTION directing the Department of Mines and Minerals to study the state's mining laws.

HR 99, by Representative Akers: A RESOLUTION requesting the Attorney General of the United States to investigate the Courier Journal and Louisville Times Company.

HB 618, by Representative Hinkle: AN ACT relating to education and the financing thereof.

Report of Committees

The Committee on Health and Welfare reported **SB 31** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 31, AN ACT relating to the sale, installation and use of gas-fired heating devices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person, firm or corporation shall sell at retail or wholesale, or offer or expose for sale at retail or wholesale any gas-fired room heating device of the unventable type, or other type which has not been approved as provided in KRS 234.175, except unvented heaters that are built and sold solely for the curing of tobacco, which if sold or used by any person for any other purpose shall subject him to the penalty set forth in Section 5.

Section 2. (1) No person, firm or corporation shall install in any room or enclosed structure any gas-fired room heating device of the unventable type or other type which has not been approved as provided in KRS 234.175.

(2) No person, firm or corporation may install any gas-fired heating device of the ventable type for use in any room or enclosed structure unless said device is vented in accordance with the provisions of the Standards of Safety of the Department of Public Safety.

(3) No person, firm, or corporation who may own a gas-fired heating device of the unventable type or a gas-fired heating device of the ventable type, which has not been approved as provided in KRS 234.175, or which does not conform to the provisions of the Standards of Safety of the Department of Public Safety (all of which heating devices are referred to as "proscribed heaters" in Section 2 (3) and Section 3 of this Act), or who may occupy an enclosed structure in which such a proscribed heater is installed, shall continue to use or operate said proscribed heater after receipt of a written order described in Section 3 of this Act, and before the conditions contained in said order are met.

Section 3. Cities of the first or second class may under ordinance duly enacted appoint inspectors or officers who have power to issue written orders directing owners of heaters or occupants of structures in which heaters are installed, to discontinue the use or operation of a proscribed heater and to specify conditions which must be met before said proscribed heater may again be used or operated. Said order may be issued if said authorized person has actual knowledge of the existence of a

proscribed heater, and, in the opinion of said authorized person, the continued use or operation of said proscribed heater would constitute a danger to life or health; provided however, no person, agency, firm, or corporation (other than the owner, user, seller or installer of a proscribed heater) shall be liable for civil damages for his or its failure to recognize a proscribed heater, for failure to issue the order described in this section, for complying with said order, for assisting with the compliance therewith or for allowing the continued use or operation of a proscribed heater prior to receipt of said order.

Section 4. As used in this Act:

(1) "Gas-fired heating device" means a gas burning appliance of either a gravity or mechanical circulation type, designed for the heating of air or of water in an enclosed structure.

(2) "Gas-fired room heating device of the unventable type" means a self-contained, free standing, air heating, gas-fired appliance, designed as a space heater for an enclosed structure.

(3) "Enclosed structure" includes a room used for public assembly, educational, instructional, mercantile, office, or residential purposes (including mobile homes, travel trailers and houseboats).

Section 5. Any person, firm, or corporation who violates Sections 1 or 2 of this Act shall be fined not less than $10 and not more than $50.

Calendar

SB 157, SB 282, SB 117, SR 43, HB 573, HB 590, HB 609, HB 55, HB 588, HB 603, HB 543, HB 540, HB 502, HB 589, HB 605, HB 606, HR 92, HR 90, HR 91, SB 297, SB 316, SB 314, SB 172, SB 291, SB 250, SB 253, SB 197, SB 191, SB 166, SB 90, SB 38 and **SB 39** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Motions, Petitions, and Communications

Representative Hoffman moved that **HB 472** be recommitted to the Committee on State Government. Agreed.

Representative Clapp moved that **HR 84** be taken from the Committee on Rules and placed upon its passage.

Recess

Representative Clapp moved that the House recess for five minutes for a Committee on Rules meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **HR 13, HR 30, HR 43, HR 53, HR 61, HB 52, HB 271, HB 134, HB 142, HB 215, HB 217, HB 261, HB 46** and **HB 243** had been examined and found correctly enrolled. **HR 13, HR 30, HR 43, HR 53, HR 61, HB 52, HB 271, HB 134, HB 142, HB 215, HB 217, HB 261, HB 46** and **HB 423** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 260, HB 75, HB 247, HR 13, HR 30, HR 43, HR 53, HR 61, HB 52, HB 271, HB 134, HB 142, HB 215, HB 217, HB 261, HB 46 and **HB 423** delivered, signed by President. Ordered delivered to the Governor.

Motions, Petitions, and Communications (Cont.)

HR 100, by Representatives Wesley, Cox and Richey: A RESOLUTION commending the Kentucky mine rescue teams for their efforts in the Louisiana salt mine disaster.

WHEREAS, volunteers from the Island Creek Coal Company, Madisonville, and the Pittsburgh and Midway Coal Company, Sturgis, were chosen over a score of other teams to assist in rescuing trapped miners in Calumet, Louisiana; and

WHEREAS, these valiant crews, of widely known ability, have lent their great skill in the face of supreme danger to their personal safety in braving underground fire and cave-in; and

WHEREAS, all Kentuckians must take great pride in these gallant efforts of true heroes in a time of great crisis;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives hereby extends its heartfelt commendation and best wishes for success to the mine rescue teams of Madisonville and Sturgis, in their valiant effort at the Calumet, Louisiana salt mine disaster.

Section 2. That the Clerk of the House of Representatives be directed to transmit a copy of this resolution to each member of said rescue teams.

Representative Wesley moved the adoption of **HR 100.** Agreed.

HR 97: A RESOLUTION expressing the sense of the House of Representatives that a road should be built to give the people in the area of Craft Colly an outlet to the main highway.

WHEREAS, the road presently connecting U. S. 119 North with Craft Colly is a dead end; and

WHEREAS, when this road is flooded, there is no outlet; and

WHEREAS, it is essential that the people in this area have an outlet to the main highway;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That a road should be built so that the people in the area of Crafty Colly will have an outlet to the main highway.

Section 2. That a copy of this resolution be sent to William B. Hazelrigg, Commissioner of the Department of Highways.

Representative Holbrook moved the adoption of **HR 97.** Agreed.

Representative Baker moved that **SB 118** be given first reading, report of the Committee on Education notwithstanding.

On the roll call the vote was yeas 57 – Baker, Ball, Ballenger, Bamberger, Blume, Bowles, Bruce, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Floyd, Halleck, Hampton, Hardin, Harper, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Kessinger, Kidd, Lankford, Lawson, McBrayer, McGill, McKinney, McNamara, Mershon, Mitchell, Murphy, Pettit, Rattliff, Richey, Russell, Saylor, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Wesley, White, Wolchik, Wooley, Wright. Nays 2 – Henry, Webster.

The motion that **SB 118** be given first reading was adopted.

First Reading

SB 118 was read at length for the first time and ordered placed in the Calendar.

SB 118, AN ACT relating to the Board of Trustees of the University of Kentucky, and to the Boards of Regents of Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University and Kentucky State College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 164.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The government of the University of Kentucky is vested in a Board of Trustees consisting of the Governor, who shall be Chairman of the Board, the Superintendent of Public Instruction, the Commissioner of Agriculture, Labor and Statistics, twelve competent citizens of Kentucky appointed by the Governor, [and] two non-voting members of the teaching faculty of the University of Kentucky, *and one non-voting member of the student body of the University of Kentucky.* The terms of the appointed members shall be for four years and until their

successors are appointed and qualified. Three of the twelve appointed members shall be appointed each year. Three of the appointed members shall be representative of agricultural interests, three shall be alumni of the University, and six shall be other distinguished citizens of the state representative of the learned professions. The Governor shall so make the appointments as to divide the representation on the Board, including the ex-officio members, as [nearly] equally as possible between the two leading political parties of this state. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.

(2) The non-voting faculty members shall be teaching or research members of the faculty of the University of Kentucky of the rank of assistant professors or above. They shall be elected by secret ballot by all faculty members of the University of the rank of assistant professor and above. Faculty members shall serve for terms of three years and until their successors are elected and qualify. [except that of the first two members elected one shall serve for a term of two years and one for a term of three years.] Faculty members shall be eligible for re-election, but they shall be ineligible to continue to serve as members of the Board of Trustees if they cease to be members of the teaching staff of the University. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.

(3) *The non-voting student member shall be the President of the student body of the University.*

(4) [(3)] No member of the Board of Trustees or its administrative staff shall be directly or indirectly interested in any contract with the University for the sale of property, materials, supplies, equipment or services, with exception of compensation to the two faculty members.

Section 2. Section 164.320 of the Kentucky Revised Statutes is amended to read as follows:

1) [Beginning April 1, 1957,] The Board of Regents for *Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University and Ken-*

tucky State College [each of the state colleges] shall *each* consist of the Superintendent of Public Instruction who shall be Chairman of the Board, [and] six members appointed by the Governor, *one non-voting member of the teaching faculty, and one non-voting member of the student body of the respective University or college.* [Each of the present members of the Board of Regents of each state college shall continue as a member of the board until the expiration of the term for which he was appointed and qualified.]

[(2)] [The term of each member, except the holdover members, appointed under the provisions of this section shall begin on April 1, 1957. As of April 1, 1957, the Governor shall appoint two members to the Board of Regents for each of the four state colleges, except Kentucky State College, and shall appoint three members to the Board of Regents of Kentucky State College.]

[(3)] One of the members of the Board of Regents of each state college, except Kentucky State College, shall be appointed for a term of two years, and one for a term of four years. As of April 1, 1957 the Governor shall appoint three members of the Board of Regents of Kentucky State College, one member for a term of two years, one member for a term of three years, and one member for a term of four years.]

(2) *The terms of appointed members shall be for four years, and until their successors are appointed and qualified.* Such appointments [(4)] [thereafter appointments for a term of four years] shall be made by the Governor within thirty days after the expiration of the term of each member. If the Governor should fail to make any such appointment within thirty days after the expiration of the term of any member, the remaining members of the Board of Regents of the particular *university* or college whose terms shall not have expired, shall make such appointment within sixty days after the expiration of such term.

(3) [(5)] Not more than two appointed members of any Board shall be residents of one county; nor more than three of the appointed members of any Board shall belong to the same political party. Membership on the Board shall not be incompatible with any other state office.

(4) [(6)] Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

(5) [(7)] Each appointed member of the Board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

(6) [(8)] Each member of the Board shall serve for the term for which he is appointed and until his successor is appointed and qualified.

(7) *The non-voting faculty member shall be a teaching or research member of the faculty of his respective university or college of the rank of assistant professor or above. He shall be elected by secret ballot by all faculty members of his university or college of the rank of assistant professor or above. The faculty member shall serve for a term of three years and until his successor is elected and qualified. The faculty member shall be eligible for re-election, but he shall not be eligible to continue to serve as a member of such Board if he ceases being a member of the teaching staff of the university or college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.*

(8) *The non-voting student member shall be the President of the student body of the university or college on whose Board of Regents he is to serve.*

Section 3. Whereas, the Universities and colloge affected by this Act require the participation of the additional members of their respective Boards of Trustees or Regents provided, and such participation is a matter of immediate importance, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

HR 99: A RESOLUTION requesting the Attorney General of the United States to investigate the Courier Journal and Louisville Times Company.

WHEREAS, the Courier Journal, a newspaper, and the Louisville Times, a newspaper, are owned, published and con-

trolled by the Courier Journal and Louisville Times Company; and

WHEREAS, the combined daily circulation of the Courier Journal and the Louisville Times exceeds the combined daily circulation of all other daily newspapers in the Commonwealth; and

WHEREAS, the political activities and associations of some employes, past or present, of these newspapers is of a questionable character at best; and

WHEREAS, the great circulation and influence of these newspapers is such as to effectively prevent competition within their circulation areas, restraining the free flow of news; and

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Attorney General of the United States is requested to investigate the Courier Journal and Louisville Times Company with a view toward determining if this company is operating a monopoly in restraint of trade in violation of Federal Law, and to determine if the political activities of this company or any of its employes are in violation of Federal Law.

Representative Akers moved the adoption of **HR 99.** Agreed.

Representative Cox moved that **HB 257** as amended be taken from the Clerk's desk and placed upon its passage.

Representative DeMarcus moved that Representative Cox's motion be postponed indefinitely.

On the roll call the vote was yeas 36—Alexander, Bamberger, Blythe, Clapp, Cruse, Curlin, Walter F. Davis, DeMarcus, Floyd, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Huff, Isler, James, Jones, Keene, Keith, Kessinger, Lawson, Louden, Maddox, McKinney, McNamara, Murphy, Russell, Schmidt, Smith, Stuart, Wheeler, White, Wolchik, Wright. Nays 30—Akers, Blandford, Blume, Bowles, Carroll, Cox, Denham, Hoffman, Holbrook, Hopkins, Hunt, Irick, Justice, King, Lankford, Lassiter, May, McBrayer, McCallum, C. R. Miller, Morgan, Pettit, W. J. Reynolds, Richey, Saylor, Siemens, Tobin, Vanover, Webster, Wesley.

The motion that Representative Cox's motion to take **HB 257** as amended from the Clerk's desk and place upon its passage be postponed indefinitely was adopted.

Representative Cox moved that **HB 258** be taken from the Clerk's desk and placed upon its passage.

On the roll call the vote was yeas 28—Akers, Allen, Ball, Blandford, Blume, Bowles, Bruce, Carroll, Cox, Hoffman, Holbrook, Hopkins, Hunt, Irick, Justice, King, Lankford, May, McBrayer, Clarence R. Miller, Morgan, Pettit, W. J. Reynolds, Richey, Saylor, Stuart, Webster, Wells. Nays 28—Alexander, Bamberger, Clapp, Clark, Cruse, Curlin, W. F. Davis, DeMarcus, Floyd, Hardin, Hinkle, Hoe, Huff, Isler, James, Jones, Keith, Kessinger, Lawson, Louden, McKinney, McNamara, Murphy, Russell, Smith, White, Wolchik, Wright.

The motion that **HB 258** be taken from the Clerk's desk and placed upon its passage was rejected.

Report of Committees

The Committee on Rules reported **HR 65, HR 70, HR 75, HR 77, HR 79, HR 81, HR 85, HR 86, HB 87, HB 84, HR 89, HB 355, HB 287, HB 253, HB 528, HB 499, HB 580, HB 268, HB 534, HB 599, HB 575, HB 533, HB 530, HB 310, HB 308, HB 493, HB 473, HB 359, HB 577, HB 563, HB 561, HB 545, HB 15, HB 541, HB 529, HB 521, HB 465, HB 466, HB 480, HB 488, HB 489** and **HB 503** with the expression of opinion that the same should pass.

The Committee on Agriculture and Natural Resources reported **HR 83** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 83, A CONCURRENT RESOLUTION requesting the Department of Fish and Wildlife Resources to study the effects of authorizing the issue of one-day fishing licenses.

WHEREAS, many Kentuckians enjoy the pleasures of fishing for but limited periods of time during the season, thereby demurring at the $4.50 license fee therefor; and

WHEREAS, many women, children and other infrequent fishermen might be encouraged to the sport upon the availability of a limited-period, inexpensive license; and

WHEREAS, the availability of such a license would discourage avoidance of the more expensive regular fee, whereby more anglers would participate in their sport while legally licensed; and

WHEREAS, the truly avid fishermen would be relatively unaffected, since their purchase of seasonal licenses is a matter of custom;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

That the Department of Fish and Wildlife Resources be requested to undertake a study as to the effects upon its program of authorizing the issue of fishing licenses, valid for one day when the person holding such license is accompanied by a member of his immediate family who possesses a regular fishing license, for which a fee of not more than $1.00 may be levied, said department to report its findings to the 1970 General Assembly at its regular session.

Representative Clapp moved that the Rules be suspended and that **HR 84** be taken from Orders of the Day and placed upon its passage.

On the roll call the vote was yeas 33 – Akers, Alexander, Arnett, Bamberger, Bleemel, Bowles, Brown, Bruce, Clapp, Clark, Cruse, Hampton, Henry, Hoe, Huff, Isler, Jones, Keith, Kessinger, Lankford, Lawson, Maddox, Richey, Russell, Saylor, Schmidt, Smith, Stuart, Vanover, Webster, Wesley, White, Wolchik. Nays 7 – Blume, Hardin, McGill, Mershon, Morgan, Murphy, Pettit.

The motion that Rules be suspended and that **HR 84** be taken from Orders of the Day and placed upon its passage was rejected.

Representative Hardin moved that his motion on March 7, 1968, be adopted. The motion is as follows:

"The House hereby declares the intent and interpretation of Rule 11 shall be that the adoption of a motion to table, under the Rules of the House, defeats the subject matter under consideration. That upon its adoption it shall require 51 votes to reconsider the vote by its adoption, and that it shall require 51 votes to adopt the motion to take from the table."

Agreed.

Orders of the Day

Representative Morgan moved that consideration of **HR 33, HB 1, HB 170, SB 129** and **SB 79** be deferred and that they retain their positions in Orders of the Day. Agreed.

HB 471, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rickert moved the adoption of the Committee Amendment to **HB 471.** Agreed.

On the roll call the vote was yeas 39 – Akers, Ballenger, Bamberger, Blythe, Clapp, Clark, Cox, Cruse, Walter F. Davis, Denham, Henry, Hinkle, Hoe, Hoffman, Hunt, Irick, Johnson, Jones, Keene, Keith, King, Lawson, McKinney, Mershon, Clarence R. Miller, Mitchell, Murphy, Pettit, Prather, W. J. Reynolds, Rickert, Russell, Siemens, Simmons, Stuart, Tobin, Webster, Wesley, Wolchik. Nays 17 – Alexander, Baker, Bleemel, Brown, Bruce, Coffey, Dawhare, Hampton, Hardin, Holbrook, Hopkins, James, Lankford, Maddox, May, Morgan, White.

HB 471 as amended was defeated.

HB 334, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Simmons moved the adoption of Committee Amendment No. 1 to **HB 334.** Agreed.

Representative Simmons moved the adoption of Committee Amendment No. 2 to **HB 334.** Agreed.

Representative Simmons moved the adoption of Committee Amendment No. 3 to **HB 334.** Agreed.

Representative Simmons moved the adoption of Committee Amendment No. 4 to **HB 334.** Rejected.

Representative Simmons moved the adoption of Committee Amendment No. 5 to **HB 334.** Agreed.

Representative James moved the adoption of the following Amendment No. 6 to **HB 334:**

Amend printed copy of House Bill 334 on page 16, by:

after line 8, by adding the following words: *"provided that no junior hunting license shall be issued without the written permission of parent, guardian or person having custody of such person under 16 years of age;"*

Agreed.

On the roll call the vote was yeas 68 – Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Irick, Isler, James, Jones, Keene, Keith, Kessinger, King, Lawson, Louden, Maddox, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 2 – Cox, Lankford.

HB 334 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 334** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 99, SB 288, SB 315, SB 341, SB 364 and SB 365.**

HB 405 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Akers, Alexander, Baker, Ballenger, Blandford, Blume, Blythe, Brown, Bruce, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Isler, James, Jones, Keene, Keith, Kidd, King, Lawson, Louden, Maddox, Massey, May, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Ray, W. J. Reynolds, Rickert, Russell, Saylor, Schmidt, Siemens, Vanover, Webster, Wells, White, Wolchik. Nays 0.

HB 405 was passed and the title agreed to.

Representative Hunt moved that the vote by which **HB 405** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 404 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hunt moved the adoption of the following Amendment to **HB 404:**

Amend printed copy of House Bill 404:

On page 4, line 8, to delete the word "research".

and on page 4, line 9, to delete the words "the Federal government" and to substitute therefor the words "any governmental entities".

and on page 5, line 8, to delete the words "direct cost of completing it" and to substitute therefore the words "expenditures incurred by the Public Foundation in carrying out its purposes during the accounting period."

On the roll call the vote was yeas 64 – Akers, Alexander, Arnett, Baker, Ballenger, Blume, Blythe, Brown, Bruce, Clapp,

Cox, Cruse, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Keene, Keith, Kidd, King, Lawson, Louden, Maddox, Massey, May, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Russell, Saylor, Schmidt, Simmons, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley, Wright. Nays 0.

HB 404 as amended was passed and the title agreed to.

Representative Hunt moved that the vote by which **HB 404** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 101 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69—Akers, Alexander, Arnett, Baker, Ballenger, Blandford, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cox, Cruse, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Justice, Keene, Keith, Kidd, King, Lankford, Lawson, Louden, Massey, May, McGill, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 101 was passed and the title agreed to.

Representative Wheeler moved that the vote by which **HB 101** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 431, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardin moved the adoption of the Committee Amendment to **HB 431.** Agreed.

On the roll call the vote was yeas 77—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Blandford, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kidd, King, Lankford, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley, Wright. Nays 0.

HB 431 as amended was passed and the title agreed to.

Representative Hoe moved that the vote by which **HB 431** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 429 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Brown, Bruce, Clapp, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Mershon, Mitchell, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 429 was passed and the title agreed to.

Representative Morgan moved that consideration of **SB 207** be deferred and that it retain its position in Orders of the Day. Agreed.

HR 84 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved the adoption of the following amendment to **HR 84:**

Amend printed copy of House Resolution 84 on page 2, lines 3 and 4, by:

deleting in line 3 the words "the Speaker" and in line 4 by deleting the words "of the House of Representatives" and substituting in lieu thereof the word "Governor"

and in line 5 by deleting the words "President of the Senate" and substituting in lieu thereof the word "Governor"

and in line 6 by deleting the word "which" and substituting in lieu thereof the following: ", three of the five members from each House to be of the majority party and two of the five members from each House to be of the minority party. Said"

Agreed.

The following members requested that their names be added as sponsors of **HR 84:**

Representatives Akers, Alexander, Allen, Arnett, Bamberger, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Isler, James, Jones, Keene, Keith, King, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Ray, W. J. Reynolds, Richey, Russell, Saylor, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, White, Wolchik, Wooley, Wright.

On the roll call the vote was yeas 62—Akers, Alexander, Allen, Arnett, Bamberger, Bleemel, Blythe, Brown, Bruce, Clapp, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Keith, Kessinger, King, Lankford, Lawson, Louden, Maddox, May, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy,

Rattliff, W. J. Reynolds, Richey, Riddle, Russell, Saylor, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley, Wright. Nays 8—Ball, Blume, Hardin, Johnson, Kidd, McGill, Pettit, Siemens.

HR 84 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HR 84** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that consideration of **SR 31, SR 29, SB 12, SB 180, SB 86, SB 225** and **SB 41** be deferred and that they retain their positions in Orders of the Day. Agreed.

Recess

Representative Morgan moved that the House recess thirty minutes for lunch. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 326, SB 385, SB 375, SB 233** and **SR 17.**

Orders of the Day (Cont.)

HR 65 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 48 — Alexander, Allen, Ballenger, Bleemel, Blythe, Clark, Curlin, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Harper, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Isler, Johnson, Justice, King, Lawson, Louden, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Prather, Richey, Rickert, Russell, Saylor, Schmidt, Simmons, Tobin, Vanover, Wells, Wesley, White, Wolchik, Wright. Nays 0.

HR 65 was passed and the title agreed to.

Representative Rickert moved that the vote by which **HR 65** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 75 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wright moved the adoption of **HR 75.** Agreed.

HR 77 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Justice moved the adoption of **HR 77.** Agreed.

HR 79 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hoe moved the adoption of **HR 79.** Agreed.

HR 81 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of **HR 81.** Agreed.

HR 85 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of **HR 85.** Agreed.

HR 86 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it

be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of **HR 86.** Agreed.

HR 87 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wesley moved the adoption of **HR 87.** Agreed.

HR 89 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of **HR 89.** Agreed.

HB 355 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was years 63 -- Allen, Arnett, Ballenger, Bamberger, Bleemel, Blume, Brown, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Halleck, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Saylor, Schmidt, Siemens, Simmons, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wright. Nays 0.

HB 355 was passed and the title agreed to.

HB 287, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of the Committee Substitute to **HB 287.** Agreed.

Representative King moved the adoption of the following Amendment No. 1 to Committee Substitute to **HB 287.**

Amend printed copy of Committee Substitute for House Bill 287 on page 6, line 24, by:

striking the word *"two"* and removing the brackets from around the word "four".

On the roll call the vote was yeas 37—Arnett, Bamberger, Bleemel, Cox, Cruse, Curlin, James A. Davis, Denham, Floyd, Greer, Hardin, Hinkle, Hoe, Hopkins, Isler, Johnson, Jones, Keene, Kessinger, King, May, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Pettit, Prather, Richey, Rickert, Riddle, Schmidt, Siemens, Stuart, Webster, Wright. Nays 38—Alexander, Allen, Baker, Ballenger, Blandford, Blume, Blythe, Brown, Clapp, Clark, Dawhare, DeMarcus, Halleck, Henry, Hoffman, Huff, Hunt, Irick, James, Justice, Keith, Kidd, Lankford, Lawson, Louden, Maddox, McBrayer, McKinney, Mitchell, Rattliff, W. J. Reynolds, Russell, Saylor, Simmons, Tobin, Wesley, White, Wooley.

Amendment No. 1 to Committee Substitute to **HB 287** was rejected.

Representative King moved that **HB 287** as amended be laid on the Clerk's desk.

On the roll call the vote was yeas 24—Alexander, Bamberger, Bleemel, Cox, Curlin, Walter F. Davis, DeMarcus, Harper, Hoe, Hoffman, Hunt, Jones, Kessinger, King, May, Mershon, Robert L. Miller, Murphy, Pettit, Prather, Richey, Riddle, Schmidt, Webster. Nays 40—Arnett, Baker, Ballenger, Blume, Brown, Clapp, Clark, Coffey, J. A. Davis, Dawhare, Denham, Halleck, Hardin, Henry, Hinkle, Hopkins, Irick, Isler, James, Justice, Keith, Kidd, Lankford, Lawson, Louden, McBrayer, McGill, McKinney, McNamara, Rattliff, W. J. Reynolds, Russell, Saylor, Simmons, Stuart, Tobin, Wesley, Wheeler, White, Wright.

The motion that **HB 287** as amended be laid on the Clerk's desk was rejected.

Representative Pettit moved the adoption of the following Amendment No. 2 to the Committee Substitute to **HB 287:**

. Amend Committee Substitute for House Bill 287 on page 7, line 13, by:

inserting before the word "has" the word "either"

and

by inserting after the word "has" the words "or demonstrates the capacity and intention to acquire"

Agreed.

On the roll call the vote was yeas 39–Ballenger, Bamberger, Bleemel, Blume, Blythe, Brown, Cox, Hardin, Harper, Hinkle, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Justice, Keene, Kidd, King, Lankford, Lawson, Louden, May, McBrayer, McGill, Mershon, Clarence R. Miller, Morgan, Pettit, Rattliff, W. J. Reynolds, Schmidt, Tobin, Wheeler, White, Wooley, Wright. Nays 16–Alexander, Arnett, Clark, Coffey, Curlin, W. F. Davis, DeMarcus, Greer, Henry, Hoe, Hoffman, Keith, R. L. Miller, Mitchell, Prather, Wesley.

HB 287 as amended was defeated.

Representative Brown moved that when the House adjourns, it do so at 4:00 p.m.

On the roll call the vote was yeas 38–Ballenger, Bamberger, Bleemel, Blume, Cox, Cruse, Curlin, James A. Davis, DeMarcus, Hardin, Harper, Hinkle, Hoffman, Hopkins, Hunt, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lawson, Louden, McBrayer, McNamara, Robert L. Miller, Murphy, Pettit, Richey, Riddle, Schmidt, Stuart, Tobin, Vanover, Webster, White, Wooley. Nays 32–Alexander, Allen, Ball, Blythe, Brown, Clapp, Clark, W. F. Davis, Dawhare, Denham, Greer, Henry, Hoe, Holbrook, Huff, Isler, James, Kessinger, Maddox, Massey, McGill, McKinney, C. R. Miller, Prather, W. J. Reynolds, Rickert, Russell, Saylor, Simmons, Wells, Wesley, Wright.

The motion that when the House adjourns, it do so at 4:00 p.m. was adopted.

HB 253, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only

and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of Committee Amendment No. 1 to **HB 253.** Agreed.

Representative Schmidt moved the adoption of the following Amendment No. 2 to **HB 253:**

Amend printed copy of House Bill 253 on page 1, line 2, by:

after the word "appropriated" inserting the words "out of General Expenditure Fund in the State Treasury"

Agreed.

On the roll call the vote was yeas 55–Alexander, Arnett, Baker, Ballenger, Bamberger, Bleemel, Brown, Clark, Cruse, James A. Davis, Dawhare, Greer, Halleck, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, McBrayer, McGill, McNamara, Mershon, Mitchell, Murphy, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Saylor, Schmidt, Siemens, Simmons, Vanover, Webster, Wells, Wheeler, White, Wooley. Nays 0.

HB 253 as amended was passed and the title agreed to.

Representative King moved that the vote by which **HB 253** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 528 taken from Orders of the Day and ordered read at length for the third time. Representative Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 43–Alexander, Baker, Bleemel, Blume, Brown, Carroll, Cox, Curlin, Walter F. Davis, Dawhare, Halleck, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Jones, Keene, Keith, Kessinger, King, Lankford, Louden, McBrayer, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Murphy, Pettit, Prather, W. J. Reynolds, Rickert, Schmidt, Siemens, Vanover, Webster, Wheeler, Wooley. Nays 3–DeMarcus, Harper, Wesley.

HB 528 was passed and the title agreed to.

Representative King moved that the vote by which **HB 528** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 499, with Committee Amend attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved the adoption of Committee Amendment No. 1 to **HB 499.** Agreed.

Representative Hopkins moved the adoption of the following Amendment No. 2 to **HB 499:**

Amend printed copy of House Bill 499

on page 11, line 15, by deleting the word "as" and substituting in lieu thereof the word "is".

and on page 22, line 10, by inserting a colon after the word "therefor".

and on page 23, line 11, after the word "business" delete the word "or" and substitute in lieu thereof the word "of".

and on page 25, line 25, by deleting the word "was" and substituting in lieu thereof the word "is".

Agreed.

On the roll call the the vote was yeas 64—Alexander, Arnett, Baker, Ball, Ballenger, Bleemel, Brown, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 499 as amended was passed and the title agreed to.

Representative Hopkins moved that the vote by which **HB 499** as amended was passed be reconsidered and said motion be postponed indefinitely.

HB 580 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 61--Alexander, Arnett, Baker, Ball, Ballenger, Bleemel, Brown, Cox, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hardin, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Maddox, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Rattliff, W. J. Reynolds, Richey, Rickert, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 580 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 580** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 533 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the following Amendment to **HB 533:**

Amend printed of House Bill 533

on page 5, line 25, by deleting the period.

and on page 15, line 20, by inserting a comma after the word or, and inserting a comma after the word "known".

and on page 22, line 21, by striking the word convalescence and substituting therefor the word "convalescent".

and on page 22, lines 25 and 26, by striking the word convalescence and substituting therefor the word "convalescent".

and on page 22, line 25, by substituting a comma for the period following the word "center" and adding thereto "operated by a Regional Mental Health-Mental Retardation Board authorized by the Department of Mental Health, or an affiliate of that center."

and on page 38, line 18, by putting a period after the word *"Health"*.

and on page 42, line 18, by changing the parenthesis after the word "superintendent" to a bracket.

and on page 42, line 19, by adding the following after the word "such": *"patient or resident"* and placing brackets around the word "inmate".

and on page 44, below line 2, by adding the following: "Section 65. This Act becomes effective September 1, 1968."

Agreed.

On the roll call the vote was yeas 59—Alexander, Baker, Ball, Ballenger, Bamberger, Blume, Clapp, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Maddox, McGill, McKinney, McNamara, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 533 as amended was passed and the title agreed to.

Representative Pettit moved that the vote by which **HB 533** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 534 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hoe moved the adoption of the following Amendment to **HB 534:**

Amend printed copy of House Bill 534 on page 3, line 27, by:

by adding the following: "Section 2. This Act becomes effective January 1, 1970."

Agreed.

On the roll call the vote was yeas 45—Akers, Arnett, Ball, Ballenger, Bleemel, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Hardin, Harper, Hoe, Hoffman, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Maddox, McBrayer, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Pettit, Russell Reynolds, Richey, Schmidt, Simmons, Tobin, Vanover, Webster, White, Wolchik, Wooley. Nays 15—Alexander, Baker, Clapp, Denham, Greer, Henry, Holbrook, James, King, Louden, Prather, W. J. Reynolds, Rickert, Riddle, Stuart.

HB 534 as amended was passed and the title agreed to.

Representative Hoe moved that the vote by which **HB 534** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 575 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardin requested that his name be deleted as so-sponsor to **HB 575.** Agreed.

On the roll call the vote was yeas 51—Alexander, Baker, Ball, Ballenger, Bleemel, Blume, Carroll, Coffey, Cox, Cruse,Curlin, Walter F. Davis, Denham, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Louden, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Schmidt, Siemens, Simmons, Tobin, Vanover, Webster, White, Wolchik, Wooley. Nays 4—Akers, Arnett, Hardin, Prather.

HB 575 was passed and the title agreed to.

Representative Curlin moved that the vote by which **HB 575** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 530 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 62—Akers, Alexander, Baker, Ball, Ballenger, Bleemel, Blume, Clapp, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Halleck, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Kessinger, Kidd, King, Lankford, Louden, Maddox, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley. Nays 0.

HB 530 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 530** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 310 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kidd moved the adoption of following Amendment to **HB 310:**

Amend printed copy of House Bill 310 on page 1, line 3, by:

deleting the words *", or the Department of Child Welfare,"*
deleting all of Section 1 on pages 1 and 2

and on page 2, line 5, by amending "Section 2" to read "Section 1"

and on page 3, line 4, by amending "Section 3" to read "Section 2"

and on page 2, line 10, by deleting the words *", or the Department of Child Welfare,"*

and on page 2, lines 15 and 16, by deleting the words *", or the Department of Child Welfare,"*

and on page 2, by deleting the "," at the end of line 19

and on page 2, line 20, by deleting the words *"or the Department of Child Welfare,"*

and on page 3, line 3, by adding after the word "period." the words: *"Provided the Department of Child Welfare shall not file a petition in any case which is in the active AFDC case load of the department."*

Agreed.

On the roll call the vote was yeas 59–Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bleemel, Blume, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Maddox, McGill, McKinney, McNamara, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Schmidt, Siemens, Simmons, Tobin, Vanover, Webster, White, Wolchik, Wooley. Nays 0.

HB 310 as amended was passed and the title agreed to.

Representative Kidd moved that the vote by which **HB 310** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 381, SB 377, SB 345, SB 343, SB 337, SB 329, SB 283, SB 274** and **SB 40.**

HB 493 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that

it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 62—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bleemel, Blume, Clapp, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Schmidt, Siemens, Simmons, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 493 was passed and the title agreed to.

Representative Ball moved that the vote by which **HB 493** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 577 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 57—Akers, Alexander, Arnett, Ballenger, Bamberger, Bleemel, Blume, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Halleck, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Kessinger, Kidd, King, Lankford, Lawson, Louden, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, W. J. Reynolds, Richey, Rickert, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 1 —Baker.

HB 577 was passed and the title agreed to.

Representative James moved that the vote by which **HB 577** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 563 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Lawson, Louden, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Pettit, W. J. Reynolds, Richey, Schmidt, Simmons, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 563 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 563** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 561 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Clapp, Coffey, Cox, Cruse, Curlin, Dawhare, Denham, Greer, Halleck, Hardin, Harper, Hinkle, Hoe, Holbrook, Hopkins, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lawson, Louden, Maddox, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Pettit, Prather, Rattliff, Richey, Rickert, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley. Nays 0.

HB 561 was passed and the title agreed to.

Representative Hinkle moved that the vote by which **HB 561** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 545 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58–Alexander, Arnett, Baker, Ball, Ballenger, Bleemel, Blume, Clapp, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hardin, Harper, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, King, Lankford, Lawson, Maddox, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley. Nays 0.

HB 545 was passed and the title agreed to.

Representative Rattliff moved that the vote by which **HB 545** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 15, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Harper moved the adoption of Committee Amendment to **HB 15.** Agreed.

On the roll call the vote was yeas 53–Akers, Alexander, Arnett, Baker, Ball, Ballenger, Blume, Clapp, Cox, Cruse, James A. Davis, Walter F. Davis, Denham, Greer, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, King, Lankford, Louden, Maddox, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Siemens, Stuart, Tobin, Vanover, Webster, Wheeler, White, Wolchik, Wooley. Nays 2–Bamberger, Lawson.

HB 15 as amended was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 15**

as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 541 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68—Akers, Alexander, Arnett, Baker, Ball, Bamberger, Bleemel, Blume, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lawson, Louden, Maddox, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 541 was passed and the title agreed to.

Representative Bruce moved that the vote by which **HB 541** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 529 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 41—Akers, Alexander, Arnett, Baker, Ball, Clapp, Coffey, Cox, Cruse, Denham, Greer, Halleck, Hardin, Hinkle, Hopkins, Isler, James, Johnson, Jones, Keith, King, Lawson, Louden, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Prather, Rattliff, Richey, Rickert, Siemens, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 6—Ballenger, Bamberger, Blume, Curlin, Henry, Irick.

HB 529 was passed and the title agreed to.

Representative R. Miller moved that the vote by which **HB 529** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 373.**

Orders of the Day (Cont.)

HB 521, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Greer moved the adoption of the Committee Amendment to **HB 521.** Agreed.

On the roll call the vote was yeas 52—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blume, Carroll, Clapp, Coffey, Cruse, Curlin, Denham, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Keene, Keith, King, Lawson, Louden, McGill, McNamara, Mershon, Robert L. Miller, Murphy, Prather, Rattliff, Russell Reynolds, Richey, Rickert, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley. Nays 0.

HB 521 as amended was passed and the title agreed to.

Representative Greer moved that the vote by which **HB 521** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 465 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 49—Akers, Alexander, Baker, Ballenger, Bamberger, Clapp, Coffey, Cox, Cruse, Curlin, Denham, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hol-

brook, Hopkins, Hunt, Irick, Isler, James, Jones, Keene, Keith, King, Lankford, Lawson, Louden, Maddox, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Rattliff, Richey, Schmidt, Siemens, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley. Nays 0.

HB 465 was passed and the title agreed to.

Representative Lawson moved that the vote by which **HB 465** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 466 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 49—Akers, Alexander, Baker, Ballenger, Bamberger, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Denham, Greer, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, King, Lankford, Lawson, Louden, Maddox, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Pettit, Rattliff, Richey, Schmidt, Tobin, Vanover, Wells, Wolchik, Wooley. Nays 4—Hoe, Prather, Rickert, Webster.

HB 466 was passed and the title agreed to.

Representative Lawson moved that the vote by which **HB 466** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 480 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 54—Alexander, Arnett, Baker, Ballenger, Bamberger, Blume, Clapp, Coffey, Cox, Cruse, Walter F. Davis, Denham, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick,

Isler, James, Johnson, Jones, Keene, Keith, King, Lankford, Lawson, Louden, Maddox, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Richey, Rickert, Stuart, Tobin, Vanover, Webster, Wells, Wolchik, Wooley. Nays 0.

HB 480 was passed and the title agreed to.

Representative Hinkle moved that the vote by which **HB 480** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 489 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 50—Alexander, Arnett, Ballenger, Bamberger, Blume, Carroll, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Denham, Greer, Halleck, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, King, Lankford, Lawson, Louden, Maddox, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, Wolchik, Wooley. Nays 0.

HB 489 was passed and the title agreed to.

Representative Hunt moved that the vote by which **HB 489** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Hunt moved that consideration of **HB 503** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Morgan moved that the House adjourn until 1:00 p.m., Monday, March 11, 1968.

On the roll call the vote was yeas 12—Cruse, James A. Davis, Greer, Hinkle, Hoe, Hopkins, Hunt, Johnson, McNamara, Prather, Rickert, Riddle. Nays 2—King, Murphy.

The motion to adjourn was adopted.

MONDAY, MARCH 11, 1968

FIFTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John C. Chenault, First Christian Church, Frankfort.

The roll was called. All present except Representatives Clark, Holbrook and Saylor.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of March 8, 1968, be dispensed with and the same approved. Agreed.

Report of Committees

The Committee on Judiciary reported **SB 64** and **SB 164**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 64, AN ACT relating to judges retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 21.365 is amended to read:

(1) The judicial retirement system established by KRS 21.350 to 21.480 shall extend to and embrace circuit judges and the director of the Administrative Office of the Courts, upon their election to participate therein in accordance with the provisions of subsection (2) of this section.

(2) Each circuit judge in office on July 1, 1962, and the Director of the Administrative Office of the Courts in office on that date, may within thirty days after that date, and any circuit judge or Director of the Administrative Office of the Courts thereafter taking office may within thirty days after taking office, elect to make monthly contributions to the judicial retirement system established under KRS 21.350 to 21.480 in an amount

equal to three percent of his monthly official salary, including salary as special commissioner of the Court of Appeals. The election shall be effective to establish membership in the system as of July 1, 1962, or as of the date the judge or director thereafter took office, as the case may be. The election shall be addressed and filed, and have effect, the same as an election made by a judge or commissioners of the Court of Appeals under KRS 21.360.

(3) Each circuit judge in office in 1951 who had completed ten or more years of service at that time shall receive a retirement allowance, and shall be considered a participant of the judicial retirement system.

SB 164, AN ACT relating to circuit court judges.

WHEREAS, the General Assembly finds the facts to exist which entitle the Sixteenth Circuit Court District to four judges; and

WHEREAS, the General Assembly, giving due regard to territory, business, population, and the right of all persons to a speedy trial, as provided by the Constitution of this Commonwealth, finds that an additional judge is necessary in said Sixteenth Circuit Court District,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24.046 is amended to read:

The Sixth, Seventeenth, Thirty-second and Thirty-fifth Circuit Court Districts shall have two judges each, the Sixteenth [Circuit Court District shall have three judges,] and [the] Twenty-second Circuit Court Districts shall have four judges

Section 2. (1) Upon the effective date of this Act the Governor shall appoint a person having the qualifications of a circuit judge to preside over the additional authorized Division of the Sixteenth Circuit Court District, which person, when appointed, shall be commissioned by the Governor as judge of

the Sixteenth Circuit Court District and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is duly elected and qualified as provided in subsection (2) of this section.

(2) At the regular election to be held on the first Tuesday after the first Monday in November, 1969, and every six years thereafter, such additional judge shall be elected, as other circuit judges are required to be elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

Section 3. This Act becomes effective on September 1, 1968.

Committee Amendment to **SB 164** is as follows:

Amend printed copy of Senate Bill 164, on page 1, by inserting after line 5 the following section:

"Section 2. KRS 24.051 is amended to read as follows:

(1) In each circuit court district having four or more judges and located in a county having a population of less than 250,000, the judges of such court shall establish numbered divisions of the court and shall adopt uniform rules for the transacting of the business of the court, all of which shall be effective only when approved by the Court of Appeals, provided, however, that criminal causes shall be under *one of the divisions of said court to be designated by the judge who is senior in service in said court* [the exclusive jurisdiction of the second division of said court] and all other litigation, of which the circuit court may have jurisdiction, shall be distributed as equally as may be between the other divisions thereof as provided by the rules of said court.

(2) Every circuit court having four judges shall have continuous sessions."

and on page 1, line 6, by renumbering "Section 2." as "Section 3."

and on page 2, line 15, by renumbering "Section 3." as "Section 4."

Calendar

SB 31, SB 118 and **HR 83** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Motions, Petitions, and Communications

Representative Isler moved that **HB 385** be taken from the Committee on Appropriations and Revenue and given first reading.

On the roll call the vote was yeas 33—Alexander, Blandford, Blume, Brown, Bruce, Carroll, Curlin, Dawhare, Hardin, Hinkle, Hoffman, Hopkins, Irick, Isler, James, Justice, Kidd, May, McBrayer, McNamara, Mershon, Clarence R. Miller, Mitchell, Peace, Pettit, Prather, Ray, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 9—Akers, Baker, Bamberger, Lankford, Lawson, Sartin, Simmons, Stuart, Wooley.

The motion that **HB 385** be taken from the Committee on Appropriations and Revenue and given first reading was rejected.

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Rules reported **HR 91, HB 591, HB 446, HB 386, HB 603, HB 256, HB 448, HB 558, HB 502, HB 524, HB 469, HR 90, HR 92, HB 452, HB 263, HB 187, HB 364, HB 609, HB 605, HB 606, HB 543, HB 540, HB 346, HB 348, HB 397, HB 104, HB 554, HB 553, HB 552, HB 586, HB 409, HB 392, HB 526, HB 242, HB 143, HB 80, HB 590, HB 62, HB 345, HB 264, HB 389, HB 251, HB 198, HB 491,** and **HB 498** with the expression of opinion that the same should pass.

Motions, Petitions, and Communications (Cont.)

Representative Lawson moved that **HB 340** be given first reading, report of the Committee on Business Organizations and Professions notwithstanding.

On the roll call the vote was yeas 22—Akers, Bamberger, Blythe, Bowles, Coffey, Cruse, Isler, Jones, Kessinger, Lawson, Louden, McGill, Mershon, Clarence R. Miller, Peace, Ray, Russell Reynolds, Sartin, Schmidt, Siemens, Stuart, Wolchik. Nays 5—Alexander, Irick, James, R. L. Miller, Webster.

The motion that **HB 340** be given first reading, report of the Committee on Business Organizations and Professions notwithstanding, was rejected.

HR 101, by Representative Halleck: A RESOLUTION adjourning the House of Representatives on Monday, March 11, 1968, in memory of Joseph Bruce Robinson.

WHEREAS, Joseph Bruce Robinson of Westwood is today being returned from Vietnam to his beloved Kentucky to be laid to rest; and

WHEREAS, this fine young man, but 19 years old, so typified the spirit of the youth of America called to serve her cause in Vietnam; and

WHEREAS, the House of Representatives hereby wishes to express its great sorrow at the loss of this and all young men in the Vietnam war;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives adjourns on Monday, March 11, 1968, it does so in memory of Joseph Bruce Robinson.

Section 2. That the Clerk be directed to transmit a copy of this resolution to the family of Joseph Bruce Robinson.

HR 101 was passed and the title agreed to.

Representative Peace moved that **HB 43** be given first reading, report of the Committee on State Government notwithstanding.

On the roll call the vote was yeas 58—Akers, Allen, Arnett,

Baker, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Coffey, Cruse, James A. Davis, Dawhare, DeMarcus, Floyd, Halleck, Harper, Hinkle, Hoe, Irick, Isler, Johnson, Jones, Justice, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, May, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Prather, Rattliff, Russell Reynolds, Richey, Rickert, Sartin, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wesley, White, Wolchik, Wooley, Wright. Nays 1—Russell.

The motion that **HB 43** be given first reading, report of the Committee on Business Organizations and Professions notwithstanding, was adopted.

Representative Blythe moved that **HB 229** be taken from the table and placed upon its passage. Rejected.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

State Government: **HR 98, SB 233, SB 283, SB 315, SB 364, SB 365, SB 375** and **SB 385.**

Education: **HB 618, SR 17, SB 40.**

Health and Welfare: **SB 326, SB 341.**

Appropriations and Revenue: **SB 288.**

Cities: **SB 99, SB 329, SB 337, SB 343, SB 345, SB 373, SB 377.**

Judiciary: **SB 274, SB 381.**

Motions, Petitions, and Communications (Cont.)

Representative Jones requested that he be recorded as being a co-sponsor of **HB 565.** Agreed.

Representative James moved that the vote by which **HB 471** was defeated be reconsidered.

On the roll call the vote was yeas 59—Akers, Allen, Baker, Blandford, Blume, Blythe, Bowles, Brown, Coffey, Cox, Curlin, James A. Davis, Denham, Floyd, Halleck, Harper, Hinkle, Hoe, Hoffman, Hopkins, Irick, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, McGill, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Tobin, Webster, Wells, Wesley, White. Nays 0.

The motion that the vote by which **HB 471** was defeated be reconsidered was adopted.

Representative James moved the adoption of the following Amendment No. 2 to **HB 471:**

Amend printed copy of House Bill 471 on page 1, line 13, by:

putting a period after the word "license" and by putting a bracket in front of the word "and"

and on page 2, line 2, by putting a bracket after the number "150.310"

Agreed.

On the roll call the vote was yeas 46—Akers, Baker, Blandford, Blume, Blythe, Bowles, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Greer, Halleck, Harper, Henry, Hoe, Hoffman, Hopkins, Irick, Johnson, Jones, Justice, Keene, Keith, Lankford, Lassiter, Lawson, Louden, Massey, Mershon, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, W. J. Reynolds, Rickert, Russell, Schmidt, Siemens, Simmons, Stuart, Tobin, Wesley, White. Nays 8—Alexander, Bleemel, Clapp, Isler, Maddox, Melton, Sartin, Webster.

HB 471 as amended was passed and the title agreed to.

Representative Rickert moved that the vote by which **HB 471** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Orders of the Day

Representative Morgan moved that consideration of **HR 33, HB 1, HB 170, HB 395** and all Senate Bills be deferred and that they retain their positions in Orders of the Day. Agreed.

HR 70 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clapp, Coffey, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 0.

HR 70 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HR 70** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 268 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Lassiter, Lawson, Louden, Maddox, Massey, May, McNamara, Mershon, Robert L. Miller,

Mitchell, Morgan, Peace, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 1—Lankford.

HB 268 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 268** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 599 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 62—Akers, Alexander, Arnett, Baker, Bamberger, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Cox, Cruse, Curlin, Dawhare, Denham, Halleck, Hardin, Harper, Henry, Hinkle, Hopkins, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Wheeler, Wolchik, Wooley, Wright. Nays 0.

HB 599 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 599** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 308 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Akers, Alexander, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Harper,

Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lassiter, Lawson, Louden, Maddox, May, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 1—Hardin.

HB 308 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 308** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 473 taken from Orders of the Day and ordered read at length for the third time.

Representative Ball moved that consideration of **HB 473** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Morgan moved that consideration of **HB 488, HB 503,** and **HB 504** be deferred and that they retain their positions in Orders of the Day. Agreed.

HB 515 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 51—Akers, Alexander, Allen, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Cox, Cruse, Curlin, DeMarcus, Greer, Harper, Hinkle, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lassiter, Massey, May, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Siemens, Smith, Stuart, Vanover, Webster, Wells, White, Wolchik, Wooley, Wright. Nays 6—Arnett, Bowles, Hardin, Isler, McBrayer, Ray.

HB 515 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 515** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 473 taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Akers, Alexander, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Brown, Clapp, Cruse, Curlin, Dawhare, DeMarcus, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Hopkins, Irick, Johnson, Jones, Keene, Keith, Kessinger, Lassiter, Lawson, Maddox, Massey, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Walters, Webster, Wesley, Wheeler, White, Wooley. Nays 0.

HB 473 was passed and the title agreed to.

Representative Ball moved that the vote by which **HB 473** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 520 taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hoffman, Hopkins, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McNamara, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sar-

tin, Saylor, Schmidt, Siemens, Simmons, Smith, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 520 was passed and the title agreed to.

Representative Greer moved that the vote by which **HB 520** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 154 taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 154 was passed and the title agreed to.

Representative Murphy moved that the vote by which **HB 154** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 267, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Russell moved the adoption of the Committee Substitute to **HB 267**. Agreed.

On the roll call the vote was yeas 68—Akers, Alexander, Arnett, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Hunt, Isler, Jones, Keene, Keith, Kessinger, Kidd, Lassiter, Lawson, Louden, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, Wooley, Wright. Nays 2—Baker, Ball.

HB 267 as amended was passed and the title agreed to.

Representative Russell moved that the vote by which **HB 267** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 336, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the Committee Amendment to **HB 336.** Agreed.

On the roll call the vote was yeas 55—Akers, Alexander, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Cox, Cruse, Curlin, Dawhare, Halleck, Harper, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Johnson, Jones, Keene, Keith, Kidd, Lankford, Lawson, Louden, McGill, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Vanover, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wright. Nays 5—Bowles, DeMarcus, Hardin, Isler, James.

HB 336 as amended was passed and the title agreed to.

Representative Pettit moved that the vote by which **HB 336** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 354 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55—Akers, Alexander, Baker, Ball, Ballenger, Bamberger, Blume, Blythe, Clapp, Cruse, Dawhare, Denham, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keith, Kessinger, Lawson, Louden, Maddox, Massey, McBrayer, McCallum, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Siemens, Simmons, Vanover, Webster, Wheeler, White, Wooley. Nays 6—Bruce, J. A. Davis, DeMarcus, James, Peace, Schmidt.

HB 354 was passed and the title agreed to.

Representative Louden moved that the vote by which **HB 354** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 394, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curlin moved the adoption of Committee Amendment to **HB 394.** Agreed.

On the roll call the vote was yeas 50—Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Brown, Curlin, Waler F. Davis, Dawhare, Greer, Harper, Henry, Hinkle, Hoffman, Huff, Hunt, Johnson, Jones, Justice, Keene, Keith, Lankford, Lassiter, Lawson, Louden, Massey, McCallum, McGill, McKinney, Mershon, Mitchell, Murphy, Peace, Pettit, Prather, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Stuart, Tobin, Walters, Wesley, Wheeler, White, Wooley. Nays 14—Alexander, Ball, Blume, DeMarcus, Hampton, James, Kessinger, R. L. Miller, Rattliff, Riddle, Sartin, Vanover, Webster, Wright.

HB 394 as amended was passed and the title agreed to.

Representative Curlin moved that the vote by which **HB 394** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 402 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Huff, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Lassiter, Lawson, Louden, Massey, May, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 402 was passed and the title agreed to.

Representative McCallum moved that the vote by which **HB 402** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 408 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey,

May, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 408 was passed and the title agreed to.

Representative Cruse moved that the vote by which **HB 408** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 420 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Hunt, Isler, James, Johnson, Jones, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 420 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 420** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 439 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Coffey, Cox, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Keith, Kidd, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Russell, Simmons, Smith, Tobin, Vanover, Wells, Wheeler, White, Wolchik, Wright. Nays 5—Bowles, DeMarcus, James, Riddle, Sartin.

HB 439 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 439** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 454 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 27—Ballenger, Blandford, Blume, Bowles, Brown, Cox, Curlin, Dawhare, Hardin, Hinkle, Hunt, Irick, Kidd, Louden, May, McBrayer, McCallum, Mershon, Clarence R. Miller, Murphy, Prather, Ray, W. J. Reynolds, Rickert, Tobin, Walters, Webster. Nays 39—Arnett, Baker, Ball, Bamberger, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Hampton, Harper, Henry, Hoe, Huff, Isler, James, Jones, Keith, Kessinger, Lankford, Lawson, Melton, R. L. Miller, Peace, Rattliff, R. Reynolds, Riddle, Russell, Sartin, Simmons, Smith, Stuart, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

HB 454 was defeated.

HB 456, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of the Committee Amendment to **HB 456.** Agreed.

Representative Denham moved the adoption of the following Amendment No. 2 to **HB 456:**

Amend printed copy of House Bill 456, by:

Striking the word "compensation" on line 19 of page 3 of section 4 and substituting the word "compensating" in lieu thereof.

Striking the phrase "nor to any other provision of Chapter 141, 1964 Acts of the General Assembly" on lines 20 and 21 of page 3 of section 4.

Agreed.

On the roll call the vote was yeas 63—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, James, Jones, Keene, Keith, Kessinger, Lankford, Lassiter, Louden, Maddox, McCallum, McGill, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wesley, White, Wolchik, Wooley. Nays 5—Bowles, Hardin, Prather, Rickert, Riddle.

HB 456 as amended was passed and the title agreed to.

Representative Denham moved that the vote by which **HB 456** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that consideration of **HB 459** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 462 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 48—Allen, Arnett, Blandford, Blume, Bowles, Brown, Carroll, Curlin, Denham, Hardin, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Louden, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 40—Baker, Ball, Ballenger, Bamberger, Blythe, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Hoe, Huff, Johnson, Jones, Keith, Kessinger, Lawson, Maddox, McKinney, Melton, R. L. Miller, Peace, Rattliff, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

HB 462 was defeated.

Representative Hopkins requested that his vote be changed from "yea" to "nay" on **HB 462.**

On the roll call the vote was yeas 47—Blandford, Blume, Brown, Carroll, Clapp, Cox, Curlin, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Louden, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 34—Baker, Ball, Ballenger, Bamberger, Blythe, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Huff, Jones, Keith, Kessinger, Lawson, Melton, R. L. Miller, Peace, Rattliff, Riddle, Russell, Sartin, Schmidt, Simmons, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Representative Hopkins' request that he be allowed to change his vote from "yea" to "nay" on **HB 462** was granted.

On the roll call the vote was yeas 47—Allen, Arnett, Blandford, Blume, Bowles, Brown, Carroll, Curlin, Denham, Hardin, Henry, Hinkle, Hoffman, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Louden, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell

Reynolds, W. J. Reynolds, Richey, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 41—Baker, Ball, Ballenger, Bamberger, Blythe, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Hoe, Hopkins, Huff, Johnson, Jones, Keith, Kessinger, Lawson, Maddox, McKinney, Melton, R. L. Miller, Peace, Rattliff, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Representative Hopkins moved that the vote by which **HB 462** was defeated be reconsidered.

On the roll call the vote was yeas 51—Arnett, Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Dawhare, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Louden, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 31—Baker, Ball, Ballenger, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Harper, Hoe, Huff, Jones, Kessinger, Lawson, Melton, R. L. Miller, Peace, Rattliff, Riddle, Russell, Sartin, Simmons, Smith, Stuart, Vanover, Wesley, White, Wolchik, Wooley, Wright.

The motion that the vote by which **HB 462** was defeated be reconsidered was adopted.

On the roll call the vote was yeas 55—Akers, Alexander, Allen, Arnett, Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Cox, Curlin, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Louden, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 38—Baker, Ball, Ballenger, Bamberger, Blythe, Bowles, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Hoe, Huff, Jones, Keith, Kessinger, Lawson, Maddox, Melton, R. L. Miller, Peace, Rattliff,

Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

HB 462 was passed and the title agreed to.

Representative McBrayer moved that the vote by which **HB 462** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 91 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Carroll, Clapp, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Hampton, Hardin, Harper, Hinkle, Hoe, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, May, McCallum, McGill, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Rattliff, Ray, Russell Reynolds, Riddle, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, White, Wolchik, Wooley. Nays 0.

HR 91 was passed and the title agreed to.

HB 591 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66—Akers, Alexander, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Hopkins, Hunt, Isler, Jones, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit,

Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Wells, Wesley, White, Wolchik, Wooley. Nays 7—Bruce, Clark, DeMarcus, Denham, Hardin, James, Wright.

HB 591 was passed and the title agreed to.

HB 503 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved that **HB 503** be postponed indefinitely.

On the roll call the vote was yeas 40—Allen, Arnett, Baker, Ball, Bamberger, Clark, Cox, Walter F. Davis, Denham, Floyd, Harper, Hinkle, Hoe, Hoffman, Huff, James, Johnson, Kessinger, King, Lassiter, Lawson, Louden, Massey, McNamara, Mitchell, Peace, Pettit, Prather, Rattliff, Rickert, Sartin, Simmons, Smith, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wooley. Nays 17—Alexander, Blume, Blythe, Bowles, Brown, Dawhare, Henry, Hunt, Keene, McBrayer, McGill, R. L. Miller, Morgan, Murphy, Ray, Tobin, Wright.

HB 503 was postponed indefinitely.

HB 392 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58—Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Clark, Coffey, Cox, Cruse, Curlin, Dawhare, Denham, Greer, Halleck, Henry, Hinkle, Hoe, Hoffman, Irick, Isler, James, Johnson, Justice, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, May, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Pettit, Ray, Russell Reynolds, Russell, Sartin, Saylor, Schmidt, Siemens, Tobin, Walters, Wesley, Wheeler, Wooley, Wright. Nays 13—

Arnett, Clapp, DeMarcus, Hardin, Huff, Maddox, Peace, Rattliff, Richey, Simmons, Smith, Vanover, Webster.

HB 392 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 392** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 446 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardin moved that **HB 446** be laid on the table. Agreed.

HB 386 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved the adoption of the following Amendment to **HB 386:**

Amend printed copy of House Bill 386 on page 4, line 17, by:

adding after the word *"committee"* the word: *"but in no instance shall such authority permit granting of loans in excess of $4,000"*

Agreed.

On the roll call the vote was yeas 63—Alexander, Allen, Arnett, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Carroll, Clapp, Coffey, Cox, Curlin, James A. Davis, Dawhare, DeMarcus, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Hopkins, Irick, Isler, James, Justice, Keene, Kidd, King, Lassiter, Louden, Massey, May, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wheeler, Wooley, Wright. Nays 8—Bamberger, Floyd, Huff, Keith, Peace, Sartin, Smith, Wesley.

HB 386 as amended was passed and the title agreed to.

Representative Blume moved that the vote by which **HB 386** as amended be reconsidered and said motion be postponed indefinitely. Agreed.

HB 603 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, May, McCallum, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wooley, Wright. Nays 0.

HB 603 was passed and the title agreed to.

Representative Cox moved that the vote by which **HB 603** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 256, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of the Committee Amendment to **HB 256.** Agreed.

On the roll call the vote was yeas 73—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Cruse, James A.

Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Morgan, Murphy, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Simmons, Stuart, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 2—DeMarcus, James.

HB 256 as amended was passed and the title agreed to.

Representative King moved that the vote by which **HB 256** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 448 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59—Akers, Alexander, Arnett, Bamberger, Bleemel, Blume, Brown, Carroll, Clark, Cox, Dawhare, Denham, Floyd, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hopkins, Huff, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, May, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Morgan, Murphy, Peace, Ray, Russell Reynolds, W. J. Reynolds, Sartin, Saylor, Schmidt, Smith, Stuart, Tobin, Vanover, Walters, Wesley, Wheeler, White. Nays 13—Ball, Bowles, Clapp, Greer, Maddox, R. L. Miller, Pettit, Prather, Rickert, Russell, Wolchik, Wooley, Wright.

HB 448 was passed and the title agreed to.

Representative Blythe moved that the vote by which **HB 448** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the Rules be suspended for first reading. Agreed.

First Reading

HB 43 was read at length for the first time and ordered placed in the Calendar.

HB 43, AN ACT relating to juries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 29.390 is amended to read:

(1) Grand jurors and petit jurors in circuit court shall each be paid *ten* [five] dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive *ten* [five] dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together overnight in custody of the sheriff, petit jurors shall receive *ten* [five] dollars additional for each night they are kept together.

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

Recess

Representative Morgan moved that the House recess until 7:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the Rules be suspended for Report of Committees.

Report of Committees

The Committee on Cities reported **HB 244, HB 491, HB 513,** and **SB 141** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 244, AN ACT relating to legal notices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 424.260 of the Kentucky Revised Statutes is amended to read as follows:

Except where a statute specifically fixes a larger sum as the minimum for a requirement of advertisement for bids, no city, county or district, or board or commission of a city or county, may make a contract for materials, supplies or equipment, or for contractural services other than professional, involving an expenditure of more than *two thousand five hundred dollars* [one thousand dollars] without first making newspaper advertisement for bids. Provided, however, that this requirement shall not apply in an emergency if the chief executive officer of such city, county or district has duly certified that an emergency exists, and has filed a copy of such certificate with the chief financial officer of such city, county, or district.

HB 491, AN ACT relating to prosecuting attorneys in cities of the third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 69.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) The prosecuting attorney in cities of the third class

shall attend all sessions of the Police Court and prosecute all criminal and penal cases in that court and appeals therefrom, whether for violations of the ordinances of the city or the laws of the state.

(2) The prosecuting attorney in cities of the third class may attend the circuit court held in the county where such city is located and aid the Commonwealth's Attorney in all prosecutions therein for crimes committed in such city, and may present to the grand jury of such county, with its consent, evidence of the commission of crime within such city.

HB 513, AN ACT relating to municipal improvements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 107.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The term "governing body," as used in this chapter, means and includes the legislative body of any city, whether the same be designated by applicable statutes as a general council, a common council, a city council, a board of trustees, a board of commissioners, or otherwise.

(2) The term "ordinance" means and includes any ordinance enacted in accordance with the general laws applicable to ordinances of the class of city in question, and the form of government thereof, and in accordance with the provisions of this chapter.

(3) The term "public way" means and includes streets, boulevards, avenues, roads, lanes, alleys, parkways, courts, terraces, and other courses of travel open to the general public by whatsoever name designated.

(4) The term "improvement" and "project" mean and include (a) the new construction of public ways or the substantial reconstruction or widening thereof, (b) the construction, installation or substantial reconstruction of sanitary, storm, or combined sewers and appurtenances[,] *on the acquisition of these facilities already constructed from private owners thereof*

by the city, on the refunding of previously issued revenue bonds issued for these purposes and recalled prior to maturity, (c) the new construction, enlargement or substantial reconstruction of sewage treatment plants for rendering sewage less hazardous to public health, safety and general welfare[,] *on the acquisition of these facilities already constructed from private owners thereof by the city, on the refunding of previously issued revenue bonds issued for these purposes and recalled prior to maturity,* (d) the construction, installation or substantial replacement of fire hydrants in cities of the third through sixth classes, necessary water mains and appurtenances in a city in a county containing a city of the first class, or (e) any combination of the same. Bonds for improvements defined in (b) and (c) of this subsection may be caused to mature as to principal in term or serial maturities not to exceed thirty years from date of issue, instead of being limited to twenty years from date of issue as otherwise provided in KRS 107.090.

(5) The term "costs" as applied to any project undertaken under this chapter includes the cost of labor, materials, and equipment necessary to complete the project in a satisfactory manner, cost of land *and/or facilities* acquired, and every expense connected with the project, including preliminary and other surveys, inspections of the work, engineers' fees and costs, attorneys' fees, preparation of plans and specifications, publication of ordinances and notices, interest which will accrue on the bonds until the due date of the first annual improvement assessment levied in connection therewith, a sum equal to any discount in the sale of the bonds (if discount bids are authorized and permitted by the governing body), a reasonable allowance for unforeseen contingencies, the printing of bonds, and other costs of financing which may include the payment of a fee to a fiscal agent for advice and assistance in the preparation and marketing of the bonds.

(6) The term "assessed value basis" means the plan for the levying of annual improvement benefit assessments on the basis of the assessed values of the benefited properties, as authorized by this chapter.

(7) The term "front-foot basis" refers to the plan for fi-

nancing improvements by apportioning the cost among benefited properties upon the basis of the number of linear feet thereof abutting upon the improvement project, as otherwise provided by law.

(8) The terms "property to be benefited," "properties to be benefited," "benefited property" and "benefited properties" all mean and refer to the property or properties defined in KRS 107.140.

Section 2. Section 107.030 of the Kentucky Revised Statutes is amended to read as follows:

If a municipality desires to authorize, construct, and finance an improvement pursuant to this chapter, its governing body shall initiate the proceedings by adopting an ordinance, herein called the "First Ordinance," in which announcement shall be made (1) of the public way or ways (which need not be contiguous) proposed to be improved and the geographical limits of the proposed improvement in such manner as to identify the benefited properties, or (2) the identity of the property or properties to be benefited by the fire hydrant in cities of the third through sixth classes or by the sewer installations (which may include a sewage treatment plant) which properties may be identified by naming the public way or ways upon which they abut, if any, or by geographical location, or both. In either case the ordinance shall recite the nature and scope of the improvement, a preliminary estimate of the costs thereof, as submitted in writing by an engineer, or firm of engineers, holding a license from the Commonwealth of Kentucky, and the amount, if any, which the city proposes to appropriate from available city funds toward the estimated cost. In all succeeding proceedings, the city shall be bound and limited by the preliminary report of the engineer, or engineers, with regard to the nature, scope, and extent of the proposed improvement project (unless the First Ordinance be amended, as hereinafter provided); but shall not be bound by, or limited to, the preliminary estimate of costs[.], *except if the project be an acquisition of existing facilities or a refunding of previously issued revenue bonds, then the city shall be so bound and limited. Otherwise,* the costs shall be determined upon the basis of construction bids publicly solicited as hereinafter pro-

vided, and shall be binding upon the city, and upon the owners of property to be benefited by the proposed improvement project, whether the same turn out to be equal to, below, or above such preliminary estimate. Architects, engineers, and fiscal agents may be employed without advertising or competition. The First Ordinance shall provide for a public hearing at a time and place specified therein (not less than one week after publication) and shall give notice that at the hearing any owner of property to be benefited may appear and be heard as to (1) whether the proposed project should be undertaken or abandoned, (2) whether the nature and scope of the project shall be altered, (3) whether the project shall be financed through the issuance of bonds according to the "assess value basis," authorized by this chapter, or (4) whether the project shall be financed through assessments made and apportioned on a front-foot basis, as may otherwise be authorized by law. The First Ordinance shall be published pursuant to KRS Ch. 424. The First Ordinance may designate a person who may be the mayor, (or the chairman of the board of trustees) a member of the governing body, or any city official, to preside at and conduct such public hearing. In the absence of a designation in the ordinance, the mayor, chairman of the board of trustees, or a person designated by the mayor or chairman shall preside. Notwithstanding the foregoing, the public hearing shall not be deemed irregular or improper if it is in fact presided over and conducted at the designated time and place by any elected city officer or member of the governing body.

Section 3. Section 107.080 of the Kentucky Revised Statutes is amended to read as follows:

Proposals for the construction of the project shall be solicited upon the basis of the submission of sealed competitive bids after advertisement, by publication pursuant to KRS Ch. 424. Upon or after the acceptance by the governing body of a bid, or combination of bids, *or in the case of an acquisition of privately owned facilities already constructed or a refunding of previously issued revenue bonds, upon the acceptance of a contract of purchase or a refunding agreement by the governing body within the cost limits set forth in the engineering report and first ordinance.* The governing body may determine the principal amount

of bonds to be issued for the proposed project, taking into account the amount of the accepted bid or bids, and all other costs of the project, as herein defined. Each contract shall be supported by a performance bond for the full amount thereof, with good surety to be approved by the governing body.

Section 4. A new section of KRS Chapter 107 is created to read as follows:

Sanitation districts, sewer construction districts, or other utility districts having the power to operate and maintain sewers and/or sewage treatment plants may use the provisions of this chapter for all of the purposes set forth herein, relating to sewers and sewage treatment plants, the acquisition of same and/or the refunding of revenue bonds previously issued for these purposes, and, to the extent that they may heretofore have lacked specific powers, and/or authorities set forth herein, these specific powers and authorities are hereby granted to them. When applied to districts, terms used in KRS 107.010 to 107.220 shall be construed to mean the following: "city" means "district"; "ordinance" means "resolution"; "clerk" means "secretary of the district"; "governing body" means "district"; "commissioners" or "mayor or chairman of board of directors" means "chairman of the district".

SB 141—AN ACT providing for the public improvement of neighborhoods in counties containing a city of the first class:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The legislature hereby declares that in counties containing a city of the first class, there is a need for a system of certain neighborhood roads, to connect public roads with state highways, county through roads of similar primary or arterial roads, or of other roads, for the movement of traffic in metropolitan areas; and that the construction, reconstruction, widening, relocation and repair, maintenance and improvement of neighborhood roads is a proper and legitimate public function as an alternative to other authorizations and requirements. The legislature further

declares that in such counties there is a need for public improvements such as curbs, sidewalks, fire hydrants, utility service pipes, street lights, drainage facilities, and park, recreation and open-space facilities and other public improvements for the benefit of a definable neighborhood; and that the acquisition, construction, reconstruction, maintenance and improvements of such neighborhood facilities is a proper and legitimate public function as an alternative to other authorizations and requirements. The legislature further declares that all or a portion of the cost of such neighborhood roads or other public improvements may be specially assessed against specially benefitted property in a public improvement district as determined by the fiscal court of such county.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The fiscal court of a county containing a city of the first class may establish a neighborhood improvement district either upon: (a) the recommendation of the county road engineer, or (b) the petition of 25% of the affected freeholders sought to be included in such improvement district. Such recommendation or petition shall describe the territory intended to be included in the improvement district and the conditions and facilities existing in this territory. Any public road or roads, not subject to state or county maintenance, within the county may be included in a proposed neighborhood improvement district. The power to make public improvements within such districts may be exercised by adding or deleting neighborhood improvement districts to the system from time to time as the fiscal court may find necessary. A neighborhood improvement district may include. (1) any public road or roads not subject to state or county maintenance, including roads in a city of any class, with the written consent of the legislative body of cities of the 1st, 2d, 3d, or 4th class, that may function as a principal or convenient connecting way between the public roads of an individual neighborhood and any one or more state highways, county through roads, or similar county or collector or arterial roads in such a manner that specific benefits from its improvement may run to a definable territory, in addition to whatever benefits

may accrue to the public generally, or (2) it may include any public road not subject to state or county maintenance, including a cul-de-sac, and abutting property, or (3) it may include any definable neighborhood in which such public improvements as roads, curbing, sidewalks, fire hydrants, utility service pipes, street lights, ancillary drainage facilities, parks, playground and open-space facilities and other public improvements, or any combination of these public improvements, may function in such a manner that specific benefits from such public improvements may run to a definable territory, in addition to whatever benefits may accrue to the public generally. The specifically benefitted territory in a neighborhood improvement district referred to in this section shall not include any territory outside the boundaries of the subject county, but it may include territory inside a city of any class within the subject county with the written consent of the legislative body of cities of the 1st, 2d, 3d, or 4th class, and procedures hereinafter provided by this act for the special assessment of property inside such specially benefitted territory shall be regarded as applying without regard to whether such territory is inside or outside of a city.

Section 3. A new Section of Kentucky Revised Statutes is created to read as follows:

As soon as any neighborhood road or roads or other public improvements provided for by this act are proposed according to section 2 of this act, the fiscal court shall cause the road or roads and the territory proposed to be specifically benefitted by said improvements to be marked as an improvement district on a map to be deposited with the county road engineer and to be open to public inspection. If after such markings, the fiscal court decides to consider the creation of such improvement district, it shall order its clerk to have prepared (a) a notice of the designated name of such public improvement district; (b) a description of the road or roads or other public improvements, or both, and the territory proposed to be specially benefitted; (c) a notice of the date on which the fiscal court, or its hearing officer, will hold a hearing to give preliminary consideration to a resolution to create the district and to improve the road or roads or make the other public improvements or both; (d) notice

that a map showing the neighborhood road or roads or other public improvement, or both, and the territory proposed to be specially benefitted by road improvement or other public improvement or both is open to inspection in the office of the county road engineer; and (e) a notice that the fiscal court proposed to assess properties in the improvement district on said map proposed to be benefitted for all or a portion of the cost of the improvement as prescribed by this act. The clerk shall have these notices and descriptions together (a) published in a newspaper of a bona fide general circulation within the county in conformance with KRS 424.130; and (b) posted in three conspicuous places in or about the territory proposed to be specially benefitted, in such a way that they are likely to become apparent to anyone moving about the territory proposed to be specially benefitted.

Section 4. A new section of Kentucky Revised Statutes is created to read as follows:

At any time before the fiscal court holds the advertised hearing to give preliminary consideration to a resolution to improve a neighborhood road or make any other public improvement, or both, any freeholder may file a petition with the county road engineer asking for any change in the designated neighborhood road or roads or public improvement, or both, or in the territory proposed to be specially benefitted, or both, and setting forth the reasons for the proposed change. Any such petition shall be considered by the fiscal court or its hearing officer at the meeting held on the date advertised in accordance with section 3 of this act. The fiscal court may appoint a hearing officer to conduct one or more hearings, take testimony and report the hearing to the fiscal court. After the hearing advertised in accordance with section 3 of this act, the fiscal court at a later official session may adopt a preliminary resolution designating the route of the proposed neighborhood road or roads, setting out the character and extent of the proposed improvements and the plan of assessment rates and designating the territory to be specially benefitted by the road or other public improvement, or both, as a neighborhood improvement district. Improvements may include paving, grading, widening,

curbing of streets, and construction of sidewalks, fire hydrants, utility service pipes, street lights, ancillary drainage facilities, and park, recreation and open-space facilities, but are not limited to these. The preliminary resolution adopted by the fiscal court after this hearing or hearings may conform to the original proposal or it may represent the original proposal as modified by any or all proposals, in whole or in part, contained in freeholder petitions described in this section or modified at the discretion of the fiscal court, and noted on the official map designating the property to be benefitted by the improvement. If the area or scope of the public improvement is changed, an additional advertised hearing shall be held before the final resolution of the fiscal court is passed. Such additional hearing upon such recommendation or petition may likewise be referred to a hearing officer for his hearing and report. After the close of the hearing or hearings and the passage of the preliminary resolution by the fiscal court, the fiscal court at a subsequent regular meeting, not more than one year from the date of the original petition or recommendation, may by final resolution create the neighborhood improvement district as part of a system of such district and authorize the improvements and special assessment of all or a stated portion of the costs to the benefitted properties indicated on the map adopted by official final resolution. The public improvement districts in the system may be non-contiguous. Such final resolution of the fiscal court to make improvements and assessments as prescribed in this act shall be treated as an order subject to appeal to the circuit court and thence to the court of appeals in accordance with the Rules of Civil Procedure.

Section 5. A new section of Kentucky Revised Statutes is created to read as follows:

Upon adoption of any final resolution described in section 4 of this act the county may proceed to carry out the work described in the resolution in any manner the fiscal court may provide, but all contracts shall be awarded according to the provisions of KRS 178.140; provided, however, that the county may at its option carry out minor work using its own work force, as prescribed in KRS 93.070-93.100 with "director of works" and

"department of public works" reading as "county road engineer", with "municipal" and "city" reading as "county", and with "city legislative body" reading as "fiscal court".

Section 6. A new section of Kentucky Revised Statutes is created to read as follows:

When the improvements of the type contemplated by this act have been made and the contract completed the fiscal court clerk shall give notice by publication pursuant to KRS Ch. 424 of the time and place fixed for the inspection, reception and acceptance of the work by the county road engineer. The property owners concerned, or their agents, or representatives, may appear and be heard as to whether the improvements have been made in accordance with the resolution authorizing the improvement and the contract therefor.

Section 7. A new section of Kentucky Revised Statues is created to read as follows:

The improvement of any neighborhood road or roads or other public improvements, or both as carried out under this act shall be made at the exclusive cost of the owners of property deemed to be specially benefitted as shown on the map adopted by the fiscal court by a final resolution adopted under this act; provided, however, that the fiscal court may order that a stated portion of the improvement be paid from general funds. The cost of public improvements may be apportioned among the designated specially benefitted properties by the fiscal court by special assessments, acting on the basis of information provided by the county road engineer, according to the number of square feet, or the front footage, or the assessed fair cash value without improvements of the property, or in any other equitable manner as the fiscal court may designate.

Section 8. A new section of Kentucky Revised Statutes is created to read as follows:

Real estate owned by the state or a local unit of government or held in trust for the use of the state or local unit of government or owned by any educational, religious, or charitable organization shall be assessed to the extent they are found to be spe-

cially benefitted just as other property is found to be specially benefitted. The State or local treasurer shall pay the assessment out of money not otherwise appropriated.

Section 9. A new section of Kentucky Revised Statutes is created to read as follows:

Classifications or designations of a neighborhood road or roads under this act shall not affect or change classifications or designations made by other section of the Kentucky Revised Statutes such as "county roads", "main county roads". "rural and secondary roads", "turnpikes", "city streets", "county through roads", or similar terms; except that when there is an irreconcilable conflict arising from the actual application of this act in a given instance and a designation or classification made in other sections of the Kentucky Revised Statutes, this section shall prevail. Nothing in KRS 178.020 to 178.040, 178.117, 178.330 to 178.337, 179.070, 179.330, and this act shall preclude the expenditure on neighborhood roads, including portions within cities, of state funds allocated for public highways under the provisions of KRS 179.410 to 179.430 or 177.320 to 177.380, or any other section of the Kentucky Revised Statutes in accordance with the provisions of this act or KRS 179.420.

Section 10. A new section of Kentucky Revised Statutes is created to read as follows:

In apportioning the costs of the improvement authorized by this act against the benefitted properties, the fiscal court may, at its option, divide the properties contained in the benefitted public improvement district designated by the adopted map into two or more benetfit zones, and apportion the cost of the improvements, including engineering and legal costs, among such zones to the degree that each zone is determined by the fiscal court in any equitable manner, to be benefitted. The zone boundaries shall show on the district map adopted by final resolution of the fiscal court. The assessment rate for each of the various benefit zones may vary in any equitable manner on the basis of benefit as found by the fiscal court. The fiscal court may, at its option, assess all property in the improvement district at the same rate without designating benefit zones.

Section 11. A new section of Kentucky Revised Statutes is created to read as follows:

The fiscal court may decide that the costs of improvements, including administrative costs, made under this act are to be assessed in accordance with KRS 93.370 with "director of works" being read as "county road engineer", or assessed in accordance with this act, at the option of the fiscal court.

Section 12. A new section of Kentucky Revised Statutes is created to read as follows:

The fiscal court of counties containing a city of the first class may, by resolution following the procedures required by this act, on the recommendation of the county road engineer, cause the installation of fire hydrants or street lights, or both, in the public ways and assessment therefore in the manner provided by KRS 93.080, KRS 93.380 (2) (3) and KRS 93.400, with "city" being read as "county", with "city legislative body" being read as "fiscal court", with "ordinance" being read as "resolution", with "mayor" being read as "county Judge", with "fire hydrant" being read as "fire hydrant or street lights, or both", and with "director of works" being read as "county road engineer", or assessed in accordance with this act, at the option of the fiscal court. Administrative costs may be included in the cost of the improvements.

Section 13. A new section of Kentucky Revised Statutes is created to read as follows:

The fiscal court of counties containing a city of the first class may create a neighborhood improvement district in accordance with this act for the acquisition, development, maintenance and operation of parks, playgrounds and recreation centers or public open-space, or any combination of these public improvements. Such improvements and assessments may be made in accordance with the provisions of this act. In so doing the fiscal court of a county containing a city of the first class may utilize any of the powers or procedures granted to the legislative bodies of cities or counties by KRS Ch. 97. Such facilities shall be administered by the city-county recreation department or other appropriate department provided by law for counties

containing a city of the first class or any city therein. Special assessment may be levied against the specially benefitted properties within the improvement district created under the provisions of this act for the purposes authorized by this section. Such special assessments may be levied and collected against the specially benefitted properties in accordance with this act. Such facilities must be reviewed by the planning commission.

Section 14. A new section of Kentucky Revised Statutes is created to read as follows:

The fiscal court of counties containing a city of the first class may, by resolution as required by this act, on the recommendation of the county road engineer, cause the installation and assessment therefor of water, gas, and sewer service pipes in any public way before it is paved or repaved in accordance with this act in the manner provided by KRS 93.390 and KRS 93.400 with "city legislative body" being read as "fiscal court", with "director of works" being read as "county road engineer", with "city" being read as "county", and with "ordinance" being read as "resolution", or in accordance with this act, at the option of the fiscal court. Administrative costs may be included in the costs of the improvement.

Section 15. A new section of Kentucky Revised Statutes is created to read as follows:

The costs of constructing or reconstructing sidewalks may be included in the improvements authorized by the fiscal court under the provisions of this act. When so included, the cost shall be apportioned and assessed against the specially benefitted properties in accordance with KRS 93.410 or this act, at the option of the fiscal court. Administrative costs may be included in the costs of the improvement.

Section 16. A new section of Kentucky Revised Statutes is created to read as follows:

A lien shall exist against the respective properties for the cost of the improvements assessed in accordance with this act. Such lien shall be enforced in accordance with KRS 93.450 and KRS 93.460, with "city legislative body" being read as "fiscal court",

with "ordinance" being read as "resolution", with "city" being read as "county", with "director of finance" being read as "county public improvement finance board", as created by KRS 66.510-66.580, and with "director of works" being read as "county road engineer". The fiscal court may, at its option, for any improvement district appoint a special trustee, instead of the county public improvement finance board, to perform the functions required of this "director of finance" in KRS 93.450 and KRS 93.460, inclusive, and the special trustee is so authorized to act after posting bond and meeting other requirements of KRS Ch. 93. There shall be but one such special trustee appointed for all of the public improvement districts within the county.

Section 17. A new section of Kentucky Revised Statutes is created to read as follows:

Apportionment warrants or improvement bonds may be issued for public improvements made in accordance with this act. The financial provisions of KRS 93.470-93.600, inclusive, are incorporated into and made applicable to this act, with "department of public finance" and "director of finance" being read as "county public improvement finance board" as created by KRS 66.510-66.580, with "director of works" being read as "county road engineer", with "city legislative body" being read as "fiscal court", with "city" being read as "county", with "ordinance" being read as "resolution", with "mayor" being read as "county judge", and with "municipal tax" being read as "local tax". The fiscal court may, at its option, for any improvement district appoint a special trustee, instead of the county public improvement finance board, to perform the functions required for the "department of public finance" and "director of finance" in KRS 93.470-93.600 inclusive, and the special trustee is so authorized to act. Such special trustee shall give bond for the faithful performance of his duties, to be approved by the county judge and the fiscal court and fulfill the other requirements of KRS Ch. 93. There shall be but one such special trustee appointed for all of the public improvement districts within the county.

Section 18. A new section of Kentucky Revised Statutes is created to read as follows:

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

The Committee on Judiciary reported **HB 368** with Committee Amendment attached thereto, **HB 369**, **SB 203** and **SB 344** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 368, AN ACT providing for the licensing and regulation of surety agents, property bondsmen, and runners engaged in the bail bond business for profit; fixing a penalty for violation thereof; and making uniform the laws with reference thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

The following words when used in this Act shall have meaning respectively ascribed to them in this section:

(1) "Commissioner" shall mean the Commissioner of the Department of Insurance.

(2) "Insurer" shall mean any domestic, foreign or alien surety company which has qualified to transact surety business in this state.

(3) "Bail bondsman" shall mean a limited surety agent or a property bondsman as hereafter defined.

(4) "Limited surety agent" shall mean any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings and receives or is promised money or other things of value therefor.

(5) "Property bondsman" shall mean any person who pledges property as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.

(6) "Runner" shall mean a person employed by a bail bondsman for the purpose of assisting the bail bondsman in presenting the defendant in court when required, or employed by the bail bondsman to assist in the apprehension and surrender of defendant to the court, or keeping the defendant under necessary surveillance. This does not affect the right of a bail bondsman to hire counsel, or to ask assistance of law enforcement officers.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

(1) The commissioner shall have full power and authority to administer the provisions of the Act, which regulate bail bondsmen and runners, and to that end, to adopt and promulgate rules and regulations, and enforce rules and regulations necessary and proper to effectuate and enforce the purposes and provisions of said sections.

(2) A license issued under this Act merely authorizes the licensee to engage in the business of writing bail bonds for compensation and shall not constitute a certification by the commissioner as to the financial qualifications of the licensee to make bail, which must be determined in each case by the court or official authorized to admit to bail as provided by law.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

(1) No license shall be issued except in compliance with this Act and none shall be issued except to an individual. A firm, partnership, association, or corporations, as such, shall not be licensed.

(2) For the protection of the people in this state, the commissioner shall not issue nor renew, nor permit to exist any license except in compliance with this Act. The commissioner shall not issue nor renew, nor permit to exist a license for an individual found to be untrustworthy or incompetent, or who has not established to the satisfaction of the commissioner that he is qualified therefor in accordance with this Act.

(3) The commissioner may propound any reasonable interrogatories to an applicant for a license under this Act or on

any renewal thereof, relating to his qualifications, residence, prospective place of business, and any other matters which, in the opinion of the commissioner, are deemed necessary or expedient in order to protect the public and ascertain the qualifications of the applicant. The commissioner may also conduct any reasonable inquiry or investigation he sees fit, relative to the determination of the applicant's fitness to be licensed or to continue to be licensed.

(4) If, upon the basis of the completed application for a license and such further inquiry or investigation, the commissioner deems the applicant to be unfit as to character and background or lacking in one or more of the required qualifications for the license, then he shall disapprove the application and notify the applicant thereof, stating the grounds for disapproval.

(5) (a) The license of a limited surety agent and a property bail bondsman shall continue in force, without further examination unless deemed necessary by the commissioner, until suspended, revoked or otherwise terminated but subject to annual renewal by the insurer or property bondsman named therein on or before November 1 by payment of the fee for renewal.

(b) The license of a bail bond runner shall continue in force until expired, suspended, revoked or otherwise terminated but subject to annual renewal by the appointed limited surety agent or property bondsman named therein on or before November 1 by payment of the fee for renewal.

(6) Any such license as to which request for renewal is not received by the commissioner shall be deemed to have expired as at midnight on the day next following such failure.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

No person shall act in the capacity of a property bondsman, limited surety agent, or runner, or perform any of the functions, duties or powers prescribed for bail bondsmen or runners under the provisions of this Act unless that person shall be qualified and licensed as provided in this Act.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

A fee of $10.00 shall accompany each application for a license or renewal thereof.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

(1) Application for examination for bail bondsman shall be submitted on forms furnished by the commissioner.

(2) To qualify as a bail bondsman it must affirmatively appear:

(a) Applicant is a natural person who has reached the age of twenty-one years.

(b) Applicant is a citizen of the United States; has been a bona fide resident of the state for one year last past and will actually reside in this state.

(c) Applicant shall furnish with his application, a complete set of his fingerprints and a recent credential size full face photograph of himself. The applicant's fingerprints shall be certified by an authorized law enforcement officer.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

In addition to the qualifications prescribed in Section 6, to qualify as a property bondsman an applicant shall:

(1) File with his application for examination the rating schedule he proposes to use in writing bail bonds; such rating schedule must be approved prior to the issuance of the license.

(2) File with his application for examination an appointment of the commissioner as his agent to accept service of process in any suit, proceeding, or action commenced against him and arising from his activity as a bail bondsman, which method of service shall be in addition to any other proper service of process. The commissioner shall within ten days forward a copy of the summons to the bail bondsman by certified mail directed to the most recent address of the bail bondsman shown on the com-

missioner's records. Suits, proceedings, or actions against such bail bondsman may be brought in the county in which the plaintiff resides, in addition to any other venue provided by the laws of this state.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

(1) It must affirmatively appear from the application for license as a runner:

(a) That the applicant is a natural person who has reached the age of twenty-one years.

(b) That the applicant is a citizen of the United States; has been a bona fide resident of this state for more than six months last past.

(c) That the applicant will be employed by only one bail bondsman, who will supervise the work of the applicant, and be responsible for the runner's conduct in the bail bond business.

(d) The application must be endorsed by the appointing bail bondsman, who shall obligate himself to supervise the runner's activities in his behalf.

(2) Applicant shall furnish with his application, a complete set of his fingerprints and a recent credential size full face photograph of himself. The applicant's fingerprints shall be certified by an authorized law enforcement officer.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

(1) (a) If upon the basis of the completed application for examination as to bail bondsmen and such further inquiry or investigation as the commissioner may make concerning the fitness and qualifications of the applicant, the commissioner is satisfied that, subject to any examination required to be taken and passed by the applicant for a license, the applicant is qualified to take the examination applied for and that all fees have been paid, he shall approve the application.

(b) If upon the basis of the completed application for ex-

amination and such further inquiry or investigation as to the fitness and qualifications of the applicant, the commissioner deems the applicant to be unfit or lacking in any one or more of the required qualifications as to limited surety agents or property bondsmen, the commissioner shall disapprove the application and notify the applicant thereof, stating the grounds for disapproval.

(2) Upon approval by the commissioner the applicant for a license as a bail bondsman shall be required to take a written examination testing his ability and qualifications.

(3) Each applicant for a license as a bail bondsman shall become eligible for examination sixty days after the date the application is received by the insurance department in Frankfort provided the commissioner is satisfied as to the applicant's fitness to take the examination.

Section 10. A new section of the Kentucky Revised Statutes is created to read:

(1) Every insurer shall annually prior to November 1 file with the commissioner an alphabetical list of all limited surety agents appointed, giving the type and class of license, names and addresses of each licensee whose appointment and license in this state is being renewed, accompanied by payment of the applicable renewal fees. Every such insurer who, subsequent to the filing of this list wishes to appoint a limited surety agent in this state, shall give notice thereof to the commissioner along with a written application for license for such agents. All such appointments shall be subject to the issuance of a license to such agents.

(2) The commissioner shall promptly notify any applicant who has passed the limited surety agent's examination. Upon receipt of application for license and proper fees, the commissioner shall issue a license in the name of the individual to the insurer.

(3) An insurer terminating the appointment of a limited surety agent shall promptly file written notice thereof with the commissioner, together with a statement that it has given or mailed notice to the limited surety agent. Such notice filed with the commissioner shall state the reasons, if any, for such termina-

tion. Information so furnished the commissioner shall not be used as evidence in or basis for any action against the insurer or any of its representatives.

(4) Every insurer shall upon the termination of the appointment of any limited surety agent give written notice thereof to any clerk of the circuit court and sheriff with which he is registered at the same time the notice is given or mailed to said limited surety agent.

Section 11. A new section of the Kentucky Revised Statutes is created to read:

(1) Any person applying for examination to qualify as a property bondsman shall at the time of filing his application for examination also file with the commissioner an application for license and upon the applicant's passing the examination for bail bondsman the commissioner shall promptly issue proper license.

(2) Any property bondsman who discontinues writing bail bonds during the period for which he is licensed shall notify the clerks of the courts and the sheriffs with whom he is registered and return his license to the commissioner for cancellation within thirty days from such discontinuance.

Section 12. A new section of the Kentucky Revised Statutes is created to read:

(1) Every person duly licensed as a bail bondsman may appoint as runner any person who holds a runner's license. Each bail bondsman shall annually prior to November 1 file with the commissioner an alphabetical list of all runners appointed, giving the type and class of license, names and addresses of each licensee whose appointment and license in this state is being renewed, accompanied by payment of the applicable renewal. Each such bail bondsman who shall, subsequent to the filing of this list, expect to appoint additional persons as runners shall file written notice with the commissioner and request a license for said runner.

(2) A bail bondsman terminating the appointment of a runner shall promptly file written notice thereof with the commissioner, together with a statement that he has given or mailed

notice to the runner. Such notice filed with the commissioner shall state the reasons, if any, for such termination. Information so furnished the commissioner shall not be used as evidence in any action against the bail bondsman.

Section 13. A new section of the Kentucky Revised Statutes is created to read:

All limited surety agents who are members of the same agency, partnership, corporation or association shall be licensed for the same insurers. If any member of an agency, partnership, corporation or association is licensed as a property bondsman, all members thereof shall be so licensed.

Section 14. A new section of the Kentucky Revised Statutes is created to read:

Nothing in this Act shall be construed as to prevent any duly licensed general lines insurance agent from writing bail bonds for any insurer authorized to write fidelity and surety bonds which he represents as agent, provided such agent shall be subject to and governed by all laws, rules, and regulations relating to bail bondsmen when engaged in the activities thereof.

Section 15. A new section of the Kentucky Revised Statutes is created to read:

No bail bondsman shall become a surety on an undertaking unless he has registered in the office of the sheriff and with the clerk of the circuit court in the county in which the bondsman resides and he may register in a like manner in any other county. Each limited surety agent shall file a certified copy of his appointment by power of attorney from each insurer which he represents as agent with each of said officers. Registration and filing of renewed power of attorney shall be performed annually on November 1. The clerk of the court and the sheriff shall not permit the registration of a bail bondsman unless such bondsman is currently licensed by the commissioner.

Section 16. A new section of the Kentucky Revised Statutes is created to read:

All premium rates shall be filed with and approved by the

commissioner and it shall be unlawful for a bail bondsman to execute a bail bond without charging a premium therefor and the premium rate shall not exceed nor be less than the premium rate as filed with and approved by the commissioner.

Section 17. A new section of the Kentucky Revised Statutes is created to read:

(1) Every insurer engaged in the writing of bail bonds through limited surety agents in this state shall submit and have approved by the commissioner a sample power of attorney which will be the only form of power of attorney the insurer will issue to limited surety agents in this state.

(2) Every property bondsman who authorizes a licensed property bondsman directly employed by him to sign his name to bonds must file a copy of the power of attorney given to such licensed bondsman with the sheriff and the clerk of the circuit court in the county which he resides in and with the insurance commissioner. Such power of attorney to remain in full force and effect until written notice revoking the power of attorney has been received by the above named officials.

Section 18. A new section of the Kentucky Revised Statutes is created to read:

(1) To eliminate service fees no surety, bail bondsman or general lines agent engaged in the bail bond business shall make any charge, collect, or receive any fee or consideration other than the premium based on rates as approved by the commissioner. Nothing in this section shall prohibit collateral security or co-indemnity agreements.

(2) The premium permitted by this Act shall be a term charge for the term of the bond. No additional premium shall be charged in the event of a bind over except that in the event the amount of the bond has been increased, an additional premium based on the approved rate for the amount of the increase may be charged. The licensed bail bondsman or general lines agent engaged in the bail bond business shall refund the entire premium charged for the bond when it is found that the surety has no liability under the bond because the defendant does not

come under the jurisdiction of the court to which the defendant is returnable. The defendant shall be entitled to the return of his premium when he is surrendered by the surety or his agent at any time prior to the final determination of the surety's liability on the bond; provided that the defendant shall not be entitled to a return of the premium where the defendant violates his contract with the surety.

Section 19. A new section of the Kentucky Revised Statutes is created to read:

(1) Every surety for the release of any person on bail, shall file with the undertaking an affidavit stating whether or not he or anyone for his use has been promised or has received any security or consideration for his undertaking, and if so, the nature and amount thereof, and the name of the person by whom such promise was made or from whom such security or consideration was received. Any willful misstatement in such affidavit or any intentional omission to set forth in the affidavit all the security or consideration promised or given shall render the person making it subject to the same prosecution and penalty as one who commits perjury. An action to enforce any indemnity agreement shall not lie in favor of the surety against such indemnitor, except with respect to agreements set forth in such affidavit. In an action by the indemnitor against the surety to recover any collateral or security given by the indemnitor, such surety shall have the right to retain only such security or collateral as is mentioned in the affidavit required above, and only in such amount as required to indemnify the surety for reasonable, actual, and necessary expenses incurred by him by reason of the principals default.

(2) Every bail bondsman and general lines agent engaged in the bail bond business who accepts collateral security for a bail bond shall, for each bail bond written, make and attach to such bail bond an affidavit on the form prescribed by the commissioner.

Section 20. A new section of the Kentucky Revised Statutes is created to read:

Each bail bondsman and general lines agent engaged in the

bail bond business, as a minimum requirement for permanent office records, shall maintain:

(1) A daily bond register which shall be the book of original and permanent record of all bonds or undertakings executed by the licensee which shall state the number of power of attorney form, date bond was executed, name of principal, amount of bond, premium charged, premium reported to surety company, security or collateral received, indemnity agreements, disposition of bond, and date of disposition.

(2) An individual file or envelope for each principal for whom bond is made which shall contain the original application for bail bond or undertaking, security or collateral affidavit where security or collateral is located, information as to any security or consideration received by the agency or licensee in connection with each particular bail bond or undertaking and purpose for which it was received, receipt or release executed by the person or persons posting security or collateral evidencing the return of such security or collateral and indemnity agreement as executed by co-indemnitors.

(3) Every bail bondsman and general lines agent engaged in the bail bond business, who accepts money or any other consideration for any bail bond undertaking which he executes, must for each and every payment received give to the person or persons paying the money or giving the consideration a prenumbered receipt as evidence of payment, which receipt shall state the date, name of the principal, amount of money or consideration received and purpose for which received, number of power of attorney form attached to the bond, penal sum of the bond, name of person making payment or giving consideration. Every such bail bondsman or general lines agent must retain a duplicate copy of each receipt issued as part of his records.

(4) Every property bondsman shall maintain separate and complete experience information concerning his expenses and losses for city, county, state and federal bonds.

(5) The commissioner may request of any licensee any information concerning his activities or those of his licensees which the commissioner deems necessary.

Section 21. A new section of the Kentucky Revised Statutes is created to read:

On or before September 1 of each year, a sworn statement on a form furnished by the insurance commissioner shall be filed with the commissioner by:

(a) Every bail bondsman or every firm or agency if the bail bondsman is employed by, associated with or is a member of such firm or agency, listing every outstanding or unpaid forfeiture and judgment together with the name of the court in which such forfeiture and judgment is recorded, and submitting all other pertinent information requested by the insurance commissioner.

(b) Every bail bondsman or general lines agent engaged in the bail bond business must be currently engaged in that business and must maintain a place of business suitably advertised and open and accessible to the public during normal business hours.

Section 22. A new section of the Kentucky Revised Statutes is created to read:

(1) No bail bondsman or runner shall:

(a) Suggest or advise the employment of or name for employment any particular attorney to represent his principal.

(b) Solicit business in or about any place where prisoners are confined or in or about any court.

(c) Pay a fee or rebate or give or promise anything of value to a jailer, policeman, police officer, committing magistrate, or any other person who has power to arrest or hold in custody; or to any public official or public employee in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond, or to secure delay or other advantage.

(d) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of an action on a bond.

(e) Pay a fee or rebate or give or promise anything of value to the principal or anyone in his behalf.

(f) Participate in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

(g) Accept anything of value from the principal except the premium, provided that the bondsman shall be permitted to accept collateral security which shall be returned upon payment of the premium on the bond or other indemnity which shall be returned upon final termination of liability on the bond. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond.

(2) When a bail bondsman accepts collateral he shall give a written receipt for same, and this receipt shall give in detail a full account of the collateral received.

(3) Law enforcement, adjudication, and prosecution officials, and their employes, attorneys-at-law, officials authorized to admit to bail, and state and county officers shall not be bail bondsmen or runners and shall not directly or indirectly receive any benefits from the execution of any bail bond.

(4) A bail bondsman shall not sign or countersign in blank any bond. No property bondsman shall give a power of attorney to, or otherwise authorize, anyone to countersign his name to bonds, unless the person so authorized is a licensed property bondsman directly employed by the property bondsman giving such power of attorney.

(5) No licensee under this Act shall advertise as or hold himself out to be a bail bond or surety company.

Section 23. A new section of the Kentucky Revised Statutes is created to read:

(1) The commissioner may deny, suspend, revoke or refuse to renew any license issued under this law for any of the following causes or for any violation of the laws of this state relating to bail;

(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner.

(b) Violation of any law relating to the business of bail bond insurance in the course of dealings under the license issued him by the commissioner.

(c) Material misstatement, misrepresentation or fraud in obtaining the license, or failure to pass any examination required under this Act.

(d) Misappropriation, conversion or unlawful withholding of moneys belonging to insurers or others and received in the conduct of business under the license.

(e) Conviction of a felony involving moral turpitude.

(f) Fraudulent or dishonest practices in the conduct of business under the license.

(g) Willful failure to comply with, or willful violation of any proper order, rule or regulation of the commissioner.

(h) Failure or refusal, upon demand, to pay over to any insurer he represents or has represented, any money coming into his hands belonging to the insurer.

(i) Willful failure to return collateral security to the principal when the principal is entitled thereto.

(j) Any licensed bail bondsman engaged in the bail bond business who knowingly having in his employ a person whose license has been revoked, suspended or denied in this or any other state.

(k) Willful failure, neglect or failure to supervise a runner's activities in his behalf.

(l) When, in the judgment of the commissioner, the licensee has, in the conduct of affairs under the license, demonstrated incompetency, or untrustworthiness, or conduct or practice rendering him unfit to carry on the bail bond business, or making his continuance in such business detrimental to the public interest, or that he is no longer in good faith carrying on the bail bond business, or that he is guilty of rebating, or offering to rebate his commissions in the case of limited surety agents or premiums in the case of professional bondsmen, and for such

reasons is found by the commissioner to be a source of detriment, injury or loss to the public.

(2) No license under this Act shall be issued, renewed or permitted to exist when the same is used directly or indirectly to circumvent the provisions of this Act.

Section 24. A new section of the Kentucky Revised Statutes is created to read:

(1) If any bail bondsman or runner is convicted by a court of a violation of any of the provisions of this Act, the license of such individual shall therefore be deemed to be immediately revoked, without any further procedure relative thereto by the commissioner.

(2) As to licenses denied by the commissioner upon application therefor, the applicant if aggrieved thereby shall have the right to a hearing thereupon and may appeal to the Franklin Circuit Court from any adverse decision of the commissioner.

(3) As to licenses issued under this Act and thereafter suspended or revoked, or renewal thereof refused by the commissioner except for failure of the licensee to pass any examination required under this Act, the procedures hereinafter set forth in this section shall apply.

(4) If after investigation or upon other evidence the commissioner has reason to believe that there may exist any one or more causes for suspension, revocation or refusal to renew or continue the license of any bail bondsman or runner as such causes are specified in subsection (1) of this section or that a bail bondsman or runner has been guilty of violating any of the laws of this state relating to bail bonds, the commissioner shall mail written notice by registered mail of his intention to suspend, revoke, or refuse to renew the license, as the case may be, accompanied by a copy of the charges against the licensee to the licensee, and to the insurer represented by the licensee if a limited surety agent, or the bail bondsman represented by the licensee if an employee of another licensed bail bondsman.

(5) If within twenty (20) days after the date of mailing the notice and charges as provided for in subsection (4), the

licensee has not filed with the commissioner a written answer to such charges coupled with a written request for a hearing thereon, the commissioner may proceed to suspend, revoke or refuse to renew the license.

(6) If within such twenty (20) days an answer and request for hearing is so filed with the commissioner, the commissioner shall hold a hearing with respect to the charges, the hearings to be held within sixty (60) days of the date of the mailing of the notice and charges referred to in subsection (4), unless postponed by the mutual consent of the parties. The commissioner shall give the licensee written notice of the hearing and of the matters to be considered thereat not less than ten (10) days in advance of the hearing date.

(7) Following the hearing the commissioner shall make his order thereon and mail a copy thereof by registered mail to the address last of record in his office of each party to the hearing. If by his findings made upon the hearing the commissioner finds that one or more of the causes thereof exist as specified in Section 23 (1) his order shall incorporate the taking of action relative to suspension, revocation or refusal to renew the license as authorized.

Section 25. A new section of the Kentucky Revised Statutes is created to read:

(1) The hearings may be held in the commissioner's office or at such other place in this state deemed by the commissioner to be more convenient to parties and witnesses.

(2) The commissioner or an assistant, deputy or hearing examiner designated by him shall preside at the hearing and shall sit in the capacity of a quasi-judicial officer.

(3) All hearings shall be open to members of the general public.

(4) The commissioner shall allow any party to the hearing to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary and other evidence and to examine and cross-examine witnesses, to present evidence in support of his interest,

and to have subpoenas issued by the commissioner to compel attendance of witnesses and production of evidence in his behalf. Testimony may be taken orally or by deposition. Depositions shall be taken in accordance with Kentucky Rules of Civil Procedure.

(5) Upon good cause shown the commissioner shall permit to become a party to the hearing by intervention, if timely, only such persons who were not original parties thereto and whose interests are to be directly and immediately affected by the commissioner's order made upon the hearing.

(6) Formal rules of pleading or of evidence need not be observed at the hearing.

(7) At the expense of and at the written request seasonably made by a person affected by the hearing, the commissioner shall cause a full stenographic record of the proceedings to be made by a competent stenographic reporter, and if transcribed, such record shall be made a part of the commissioner's record of the hearing. A copy of such record shall be furnished any other party upon the written request and at the expense of such party.

Section 26. A new section of the Kentucky Revised Statutes is created to read:

(1) The commissioner shall, in his order suspending a license, specify the period during which the suspension is to be in effect, but such period shall not exceed one (1) year. The license shall remain suspended during the period so specified, subject, however, to any rescission or modification of the order by the commissioner, or modification or reversal thereof by the court, prior to expiration of the suspension period. A license which has been suspended shall not be reinstated except upon request for such reinstatement, but the commissioner shall not grant such reinstatement if he finds that the circumstances for which the previous license was revoked still exist or are likely to recur.

(2) No individual licensed under any license which has been revoked by the commissioner, shall have the right to apply for another license under this Act within two (2) years from the effective date of such revocation, or, if judicial review of such revocation is sought, within two (2) years from the date of final

court order or decree affirming the revocation. The commissioner shall not, however, grant a new license to any individual if he finds that the circumstances for which the previous license was revoked still exist or are likely to recur.

(3) If licenses as bail bondsmen or runner as to the same individual have been revoked at two (2) separate times, the commissioner shall not thereafter grant or issue any license under this Act as to such individual.

(4) During the period of suspension, or after revocation of the license, the former licensee shall not engage in or attempt to profess to engage in any transaction or business for which a license is required under this Act, except the former licensee may collect premiums on business written prior to the date of the suspension or revocation.

Section 27. A new section of the Kentucky Revised Statutes is created to read:

(1) Upon suspension, revocation or refusal to renew any license of a bail bondsman or runner the commissioner shall at the same time likewise suspend or revoke all other licenses held by the licensee under the insurance laws of this state.

(2) In case of the suspension or revocation of license of any bail bondsman, the license of any and all bail bondsmen who are members of a bail bond agency, whether incorporated or unincorporated, and any and all runners employed by such bail bond agency, who knowingly are parties to the act which formed the ground for the suspension or revocation may likewise be suspended or revoked for the same period as that of the offending bail bondsman; but this shall not prevent any bail bondsman or runner, except the one whose license was first suspended or revoked, from being licensed as a member of or a runner for some other bail bond agency.

(3) The procedures provided for in subsection (2) shall likewise apply as to suspension, revocation and refusals to renew as referred to in Section 23 (2).

Section 28. A new section of the Kentucky Revised Statutes is created to read;

(1) If, upon procedures provided for in subsection (2), commissioner finds that one or more causes exist for the suspension, revocation or refusal to renew any license issued under this Act, the commissioner may, in his discretion, in lieu of each suspension, revocation or refusal, and except on a second offense, impose upon the licensee an administrative penalty in the amount of one hundred dollars ($100), or if the commissioner has found willful misconduct or willful violation on the part of the licensee, five hundred dollars ($500). The administrative penalty may, in the commissioner's discretion, be augumented in amount by an amount equal to any commissions received by or accruing to the credit of the licensee in connection with any transaction as to which the grounds for suspension, revocation or refusal related.

(2) The commissioner may allow the licensee a reasonable period, not to exceed thirty (30) days, within which to pay the amount of the penalty so imposed. If the licensee fails to pay the penalty in its entirety within the period so allowed, the licenses of the licensee shall stand suspended, revoked or renewal refused, as the case may be, upon expiration of such period and without any further proceedings.

Section 29. A new section of the Kentucky Revised Statutes is created to read:

Any applicant for license as bail bondsman or runner whose application has been denied or whose license shall have been so suspended or revoked or renewal thereof denied, shall have the right of appeal to the Franklin Circuit Court. Such an appeal shall be perfected in compliance with the laws of this state.

Section 30. Any person or corporation, who is found guilty of violating any of the provisions of this Act shall, upon conviction, be fined not more than $500.00 for each offense, or imprisoned in the county jail for not more than six months, or both, and in addition, any person violating Section 22 (3) shall forfeit any office held by him at the time of conviction, or if a constitutional officer, such a conviction shall be grounds for removal from office.

Section 31. This Act shall become effective November 1, 1968.

Committee Amendment to **HB 368** is as follows:

Amend printed copy of House Bill 368 on page 5, lines 12 through 15, by:

striking lines 12 through 15

and on page 6, lines 22 through 25, by striking lines 22 through 25.

HB 369, AN ACT relating to pre-trial release on conditions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read:

(1) Any person charged with a criminal offense entitled to bail, in lieu of being recognized or admitted to bail as otherwise provided by the law of the Commonwealth, may be released prior to conviction by the Court on one or more of the following conditions:

(a) The execution of unsecured appearance bail bond in an amount specified by the Court;

(b) A deposit with the Clerk of the Court, in cash, of a percentage set by the Court, and in no event less than ten per cent (10%) of the amount of the bail fixed by the Court, which shall be returned upon the performance of the conditions of release;

(c) Reasonable restrictions as to associations with persons, activities and movements;

(d) Return to custody at times and on conditions specified by the Court.

(e) Any other reasonable condition which the Court may require.

(2) The Court ordering the release of a person hereunder may, at any time, amend its order to impose additional or differ-

ent conditions of release, release on recognizance, or require bail.

SB 203, AN ACT relating to the advance fees of circuit clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 64.030 is amended to read:

Unless the plaintiff has established his right to prosecute as a poor person under KRS 453.190, each circuit clerk shall, when each original action commencing with original process in his respective court is filed, collect *twenty* [ten] dollars and apply it as a credit on the clerk's fees accruing in the action.

SB 344, AN ACT relating to circuit courts of continuous session having two or more judges.

WHEREAS, the General Assembly giving due regard to territory, business, population, and the right of all persons to a speedy trial, as provided by the Constitution of this Commonwealth, finds that an additional Circuit Court Judge is necessary in the Second Circuit Court District and finds also that it will be convenient and advantageous and will comply with the spirit and intent of the Constitution with respect to the requirements of population and will expedite the business of the court in the county involved to provide for an additional Circuit Judge for this district.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 24.046 of the Kentucky Revised Statutes is amended to read as follows:

The *Second,* Sixth, *Eighth,* Thirty-second and Thirty-fifth Circuit Court Districts shall have two judges each, the Sixteenth Circuit Court District shall have three judges, and the Twenty-second Circuit Court District shall have four judges.

Section 2. Upon the effective date of this Act the Governor

shall appoint a person having the qualifications of the circuit judge to preside over the additional authorized Division of the Second Circuit Court District, which person, when appointed, shall be commissioned by the Governor as a judge of the respective Circuit Court District and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is duly elected and qualified.

Section 3. Whereas, the caseload in the Second Circuit Court District is so heavy that the proper administration of justice is jeopardized, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

The Committee on Highways and Traffic Safety reported **HB 275** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 275, AN ACT relating to owner or tenant relocation required by road construction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.065 is amended to read as follows:

As a part of the cost of construction of a road, the Department of Highways shall [may] compensate resident owners or tenants for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such road project. Relocation payments shall be subject to such *reasonable* rules and regulations *as* the Commissioner of Highways is hereby authorized to prescribe [, and payments shall not exceed two hundred dollars in the case of an individual or family or three thousand dollars in the case of a business concern, which may include the operation of a farm, a nonprofit organization, and other activities which the Department of Highways may by regulation define as a business concern. In the case of a business concern, the allowable expenses for transportation under this section shall not exceed the cost of moving fifty miles from the point from which such business concern is being displaced. Such

rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts, not to exceed two hundred dollars, in lieu of their respective reasonable and necessary moving expenses.] *; provided, however, that such rules and regulations shall not place a maximum limit on the amount which may be paid to individuals, business concerns or others who are forced to relocate because of highway construction.*

Section 2. (1) WHEREAS, the Constitution of the Commonwealth of Kentucky and the Constitution of the United States of America both provide that no man's property shall be taken or applied to public use without just compensation being previously made to him, and an essential element of the taking is the cost of relocation resulting from such taking; and

(2) WHEREAS, there are now pending many acquisitions of property whose owners would be denied benefits provided for in this Act, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Highways and Traffic Safety reported **HB 291** and **HB 548** with the expression of opinion that the same should not pass.

The Committee on Highways and Traffic Safety reported **HB 375** without expression of opinion.

The Committee on Appropriations and Revenue reported **HB 572** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 572, AN ACT relating to education and the financing thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.280 is amended to read as follows:
The assessment made for state purposes, when supervised as

required by law, shall be the basis for the levy of the ad valorem tax for county, *school district and all special taxing district* purposes; *except that any special taxing district established within an incorporated city under existing statutory authority shall continue to use the assessment made for city purposes.*

Section 2. KRS 160.460 is amended to read as follows:

(1) All school taxes shall be levied by the fiscal court of each county. [except in independent school districts embraced by cities of the first four classes. In such districts the tax shall be levied by the governing body of the city.] The tax levying authority shall levy such ad valorem tax and such poll tax as specified by the district board of education within the limits prescribed in KRS 160.475, which will obtain for the school district the amount of money needed as shown in each district's general school budget submitted under the provisions of KRS 160.470.

(2) The tax levying authority shall make an annual school levy not later than July 1. The school levy shall not be made until the general school budget has been received by the tax levying authority. The failure of the authority to make the levy by the date prescribed shall not invalidate any levy made thereafter.

(3) All school taxes shall be levied on all property subject to local taxation in the jurisdiction of the tax levying authority. [If the school levy is to be made upon the city assessment as authorized in subsection (1), the clerk of such city shall furnish to the school district or districts which the city embraces, the assessed valuation of property subject to local taxation in the school district, as determined by its tax assessor. If the school levy is to be made upon the county assessment.] The county clerk shall furnish to the proper school district or districts the assessed valuation of property subject to local taxation in such district or districts, as certified by the [Kentucky Tax Commission] *Department of Revenue.*

The Committee on Health and Welfare reported **HB 516** and **HB 602** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 516, AN ACT relating to the rehabilitation of the handicapped.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 163.160 is amended to read as follows:

This State accepts and agrees to comply with all the provisions of the Acts of Congress of the United States approved June 2, 1920 (41 stat. 735) relating to rehabilitation and all subsequent acts pertaining to rehabilitation enacted prior to *January 1, 1968* [January 1, 1956]. The Governor of the Commonwealth may, by executive order, accept such Acts of Congress enacted subsequent to January 1, *1968,* [1956] as may be deemed desirable and necessary.

HB 602, AN ACT relating to employment excepted from classified service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 18.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The classified service to which 18.110 to 18.340 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:

(a) The General Assembly and employes of the General Assembly including the employes of the Legislative Research Commission;

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;

(c) Members of boards and commissions;

(d) Officers and employes on the staff of the Governor and the Lieutenant Governor;

(e) Heads of department, including those appointed by boards and commissions except as provided in KRS 18.130;

(f) One principal assistant or deputy for each head of a department except as provided in KRS 18.130;

(g) One additional principal assistant or deputy for each head of a department in those instances in which the nature of the functions, size or complexity of the agency involved are such that the Personnel Board may approve such an additional principal or deputy on petition approved by the Commissioner of Personnel;

(h) Division directors, except as provided in KRS 18.130, subject to the provisions of KRS 18.150;

(i) Physicians employed as such by the State Tuberculosis Hospital Commission *and the Department of Mental Health;*

(j) One private secretary for each head of a department and for each principal assistant or deputy not included in the classified service;

(k) The Judicial Department, referees, receivers, jurors, and notaries public;

(l) Officers and members of the staffs of state universities and colleges and student employes of such institutions, provided that said institutions shall establish and implement a personnel system embodying the principles in KRS 18.110 to 18.340 applicable to faculty members and staff; and officers, teachers, and employes of local boards of education;

(m) Patients or inmates employed in state institutions;

(n) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the General Assembly, or a committee thereof, or by authority of the Governor;

(o) Unskilled laborers, truck drivers and other light equipment operators, excepting institutional employes of the unskilled laborer category, and seasonal and emergency employes. The Personnel Board shall determine the positions within these categories and shall promulgate rules relating thereto;

(p) Officers and members of the state militia;

(q) Peace officers in the Department of Public Safety, provided that said department shall maintain a personnel system embodying the principles herein applicable to peace officers.

The Committee on State Government reported **SB 232, SB 233, SB 223, SB 218, SB 385, SB 124, SB 125, SB 284, SB 364, SB 321, SB 322, SB 333, SB 349, SB 365** and **SB 372** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 232, AN ACT relating to clerks' fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.010 is amended to read:

The clerk of the Court of Appeals and the clerks of circuit courts and county courts, as far as the same will apply, shall receive for the following services the following fees:

Issuing summons	$ *1.00*	[$0.70]
Each copy thereof	*.50*	[.40]
Entering return thereon	*.50*	[.40]
Issuing Order of attachment	*1.00*	[.70]
Each copy thereof	*.50*	[.40]
Entering return thereon	*.50*	[.40]
Issuing order of injunction	*2.00*	[.70]
Each copy thereof	*.50*	[.40]
Entering return thereon	*.50*	[.40]
Issuing subpoena	*1.00*	[.70]
(All of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.)		
Issuing attachment for a witness	*1.00*	[.70]
Issuing order of arrest	*1.00*	[.70]
Each copy thereof	*.50*	[.40]
Entering return thereon	*.50*	[.40]
Issuing order of delivery	*2.00*	[.70]
Each copy thereof	*.50*	[.40]
Entering return thereon	*.50*	[.40]
Issuing each writ of possession	*3.00*	[2.00]

Docketing an action, motion or proceeding	.50	[.25]
Order assigning cases to a division of court	1.00	[.50]
Warning order by clerk	1.00	[.70]
Order of clerk appointing warning order attorney	1.00	[.70]
Issuing a rule	1.00	[.70]
Each copy thereof	.50	[.40]
Filing return on rule	.50	[.40]
Endorsing each step taken in an action on a "step Sheet" or envelope in the file or on the rule docket	.50	[.25]
Filing a pleading	.75	[.40]
Filing each exhibit or other paper not a pleading	.50	[.30]
Swearing, entering attendance and issuing certificates of attendance of witnesses, each witness	1.00	[.50]
Each commission to take deposition	2.00	[1.50]
Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one	.75	[.40]
Taking a recognizance of a party or witness	1.00	[.50]
Entering or noting of record in order book each order or direction of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each	1.00	[.50]
Copy thereof	.50	
Attendance in court, other than circuit court, upon each trial of an action, to be charged to each party for each trial	1.50	
Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day	10.00	[6.00]
Swearing a jury	1.50	[.75]
Entering a judgment (other than equity action)	2.00	[1.25]
Each copy thereof	1.00	[.75]

Entering or recording a judgment in an equity action, for every ten words	.05	[.03]
Taxation of costs of each party, to be charged to such party	1.50	[.75]
Each copy of a taxation of costs of each party, if called for	.75	[.50]
Filing copy of costs taxed in the case file	.50	[.40]
Issuing an execution, with all endorsements thereon	2.00	[1.50]
Each copy of an execution with all endorsements thereon	1.25	[1.00]
Recording an execution with endorsements, returns and all papers therewith, when real estate is sold, each ten words	.05	[.03]
Copying a record for Court of Appeals or other purpose, each ten words	.05	[.03]
Issuing a supersedeas	1.50	[1.00]
Each copy thereof	.50	[.40]
Entering return thereon	.50	[.40]
Filing each transcript on appeal	.50	[.40]
Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same	1.00	[.75]
Copying a pleading or other paper, each ten words	.05	[.03]
Indexing in Plaintiff's and Defendant's General Index to suits, each name of parties to an action, to be charged for each listing and once in each case	.50	[.30]
Indexing in Defendant's Index of Executions of each name of parties to such execution, to be charged for each listing and for each execution issued	.50	[.30]
Indexing in Plaintiff's and Defendant's index of Judgments of each name of parties to a judgment, to be charged for each listing and for each judgment	.50	[.30]

Each order made by the clerk in vacation or made by the clerk when the court is not in vacation	*1.00*	[.70]
Each order in the county court	*1.00*	[.60]
Each copy thereof when ordered	*1.00*	[.40]
Probate of a will and certificate, including all services relating thereto	*2.00*	[1.50]
Order granting an administration, or appointing appraisers of estate of any fiduciary	*1.00*	[.75]
Taking a bond for any fiduciary	*2.00*	[1.50]
Certificate of administration or copy of it	.75	
Issuing a writ of idiocy or lunacy	*1.50*	[1.00]
Recording each inquisition under same	*1.50*	[1.00]
Each copy of such inquisition when ordered	*1.50*	[1.00]
Recording deed of trust or assignment for the benefit of creditors	*3.20*	[2.70]
Copy of same when ordered	*1.75*	[1.25]
Taking bonds required of the trustee or trustees in such cases, and including all services connected with it	*3.20*	[2.70]
Recording inventories required to be filed by the trustees, for every twenty words	.05	
Each official certificate	*2.00*	[1.50]
Each bond required to be taken or prepared by the clerk	*2.00*	[1.50]
Taking a bond where no fee is fixed specially by law	*2.00*	[1.50]
Copy of any bond when ordered	*2.00*	[1.50]
Recording a bond, each bond	*2.00*	[1.50]
Receiving the acknowledgment or proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same	1.25	

Recording powers of attorney, agreements, allotments of dower, division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof---	*.06 with minimum of 2.00*	[.05]
Recording any report of a commissioner, surveyor, assignee, trustee, receiver, administration, executor, guardian or other official or person each ten words----------	*.05 with minimum of 1.00*	[.03]
Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided the entire record thereof does not exceed twelve hundred words---	*3.00*	[2.50]
All over twelve hundred words, every twenty words ----------	.05	
Each additional certificate ----------	.40	
Each additional tract embraced in such deed, except town lots ----------	.40	
Copy of deed and certificate thereon ------	*3.00*	[2.50]
Recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole services ----------	*2.50*	[2.00]
Each copy thereof ----------	*2.00*	[1.50]
Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred words ---	*3.00*	[2.50]
All over twelve hundred words, for every twenty words ----------	.05	
Copy of same ----------	*3.00*	[2.50]
Noting release of any lien, mortgage or redemption other than a deed of release ---	.40	
Receiving the acknowledgment, recording and certifying each deed of release of a mortgage or lien ----------	*1.90*	[1.50]

Copying courses and distance of any deed, for each tract when demanded	.40	
Recording plat laid down in the allotment of dower or division of land [for each tract thereof]	*15.00*	[.40]
Recording or copying a plat or map of land, [each lot]	*15.00*	[.40]
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident	*15.00*	[6.75]
Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city	*15.00*	[6.75]
Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not	*1.00*	[.50]
Each order appointing a surveyor of road	*1.00*	[.50]
Each copy thereof	*1.00*	[.50]
(The last two named to be paid out of the county levy.)		
Each order in proceedings for private passways, to be paid by applicant	*1.00*	[.50]
Each copy of same, to be paid by applicant when ordered	*1.00*	[.45]
Each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy	2.50	
Copying a surveyor's report, for every twenty words or fraction thereof	.05	
Administering an oath and certificate thereof	*1.00*	[.75]
Issuing license for which no other fee is fixed by law	1.50	
Marriage license, bond, certificate and recording	*3.50*	[3.00]

Each order and certificate allowing any claim against the county treasurer or State Treasurer, where the claim exceeds five dollars, to be paid by the claimant	.70	
Recording post notice of an estray, waifboat or wreck, and advertising same	1.00	
For filing, indexing and furnishing filing data for an original or continuation financing statement	3.00	[2.50]
For filing and indexing a financing termination statement and sending or delivering the original financing statement	.75	
For filing, indexing and furnishing filing data about an assignment of a financing statement	.75	
For filing and noting a statement of release of collateral under a financing statement	.75	

Section 2. Notwithstanding any provision of the Kentucky Revised Statutes enacted prior to 1968 the county clerk shall receive for the following services the following fees:

Corporations

Recording articles of incorporation	$3.50
Recording amendment to articles	3.50
Reduction of corporation capital	3.50
Articles of incorporation for consolidated corporations	3.50
Recording statement of intent to dissolve	2.50
Recording articles of dissolution	3.50
Amendment of articles of incorporation of co-operative corporation	3.50
Recording articles of co-operative livestock protective association	3.50
Recording articles of religious, charitable or educational corporation	3.50
Recording articles or amendments of a rural electric co-operative corporation	3.50

Collection of Taxes	
Correcting tax books following equalization (½ county-½ state) per day	10.00
Recording or release of tax certificate of transfer	1.00
Payment of certificate of delinquency by other than owner	1.00
Noting of change of address on certificate of delinquency of owner—if assignment fee not previously paid	1.00
Collection of certificates of delinquency	20%
Accepting payment from person entitled to pay certificate of delinquency	1.00
Collection of tax on legal processes and instruments filed	10%
Miscellaneous Licenses	
Permit to operate place of entertainment—including advertisement	20.00
Issuance of county alcoholic beverage license	1.50
Registering chiropodist or podiatrist license	2.00
Registering medical license	2.00
Registering dentist license	2.00
Registering embalmer or funeral director license	2.00
Registering optometrist license	2.00
Registering veterinarian license	2.00
Issuing grain warehouseman license	2.00
Miscellaneous Services	
Filing certificate for doing business under assumed name	2.00

SB 233, AN ACT relating to clerk's fees for acting as custodian of voting machines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 125.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) When voting machines are acquired by any county, they shall be immediately placed in the custody of the county clerk, and shall remain in his custody at all times except when in use at an election or when in the custody of a court or court officer during contest proceedings. The clerk shall see that the machines are properly protected and preserved from damage or unnecessary deterioration, and shall not permit any unauthorized person to tamper with the machines.

(2) For his services as custodian of voting machines, the county clerk shall be allowed an amount not to exceed $2400 per annum to be paid solely out of the statutory fees received by him during the calendar year.

(3) The allowance authorized in subsection (2) of this section shall be considered as operating expenses of the county clerk's office and shall not be considered as part of his compensation.

SB 223, AN ACT relating to public buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Board" means the Board to Facilitate the Use of Public Buildings by the Physically Handicapped, created by Section 3 of this Act.

(2) "Commissioner" means the Commissioner of Finance.

(3) "Department" means the Department of Finance.

(4) "Physically handicapped person" means a person confined to a wheelchair, a person who, because of the use of braces or crutches or because of the loss of a foot or leg or because of an arthritic, spastic, pulmonary or cardiac condition, walks with difficulty or insecurity, a person who, due to a brain, spinal or peripheral nerve injury, suffers from a faulty coordination or palsy, a person who is blind or whose sight is so impaired that, functioning in a public area, he is insecure or exposed to danger, a person whose hearing is so impaired that he is unable to hear

warning signals, and a person whose mobility, flexibility, coordination and perceptiveness are significantly reduced by aging.

(5) "Public building" means any building constructed by the Commonwealth or by authorities created by the Commonwealth or any political subdivision thereof with public funds and generally open to public use.

Section 2. (1) The board shall make, and may from time to time alter, amend or rescind, rules and regulations designed to make public buildings accessible to, functional for, and safe for use by, physically handicapped persons. So long as any such rule or regulation is in effect, no public building shall be constructed, reconstructed, altered or remodeled except in conformity therewith unless upon application of the board or officer in charge of the construction, reconstruction, alteration or remodeling, the board determines that compliance with the rule or regulation is impracticable in the particular case, in which event, unless the rule or regulation is wholly waived the construction, reconstruction, alteration, or remodeling shall conform to such modification of, or substitution for, such rule or regulation as the board may prescribe.

(2) Any rule or regulation may, to the extent that said board deems it generally practicable, provide that public buildings in existence on its promulgation shall be subject to it after a date, not sooner than three years after its promulgation, as it shall specify. No public building shall be maintained after the specified date except in conformity with the rule or regulation unless upon application of the board or officer in charge of such building, said board shall determine compliance with such rule or regulation to be impracticable in the particular case, in which event, unless such rule or regulation is wholly waived, such building shall be maintained in conformity with the modification of, or substitution for, the rule or regulation as the board prescribes.

Section 3. (1) A Board to Facilitate the Use of Public Buildings by the Handicapped is created within the Department of Finance, but it is not subject to the control of the commissioner. The board consists of the commissioner, or a member of the department designated by him in a writing filed with the Sec-

retary of State, and six members appointed by the Governor. Of the members initially appointed by the Governor, two shall serve for two years, two for three years and two for four years, respectively, according to the terms of their respective appointments. Upon the expiration of the term of a member appointed by the Governor, his successor shall be appointed for a term of four years. Any vacancy in the office of an appointive member shall be filled for the unexpired term. The chairman of the board shall be designated from time to time by the Governor. At least two of the appointive members of the board shall be physically handicapped persons.

(2) Each appointive member of said board shall be paid twenty-five dollars per diem for each day while in the actual performance of his duties as such, and shall also receive from the Commonwealth all expenses necessarily incurred by him in the performance of his duties.

(3) Clerical, technical and other assistants required by the board shall be assigned to it by the commissioner.

Section 4. The board has all necessary powers to require compliance with its rules and regulations, and modifications thereof and substitutions therefor, including power to institute and prosecute proceedings in the circuit court to compel such compliance, and is not required to pay any filing fee or deposit any bond in connection with the institution of any such proceeding.

SB 218, AN ACT relating to membership of county boards of health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 212.020 is amended to read:

The State Board of Health shall appoint three intelligent and discreet licensed and practicing physicians and one intelligent and discreet licensed and practicing dentist and one discreet and practicing registered nurse residing in each county who, together with the county judge and one person appointed by the

fiscal court in each county, shall constitute a local board of health for the respective counties in which they reside. In the event a county does not have three qualified licensed and practicing physicians or one qualified licensed and practicing dentist or one qualified and licensed practicing registered nurse residing therein, the State Board of Health may appoint a resident lay person in lieu thereof for each such vacancy. The members of the local board shall hold office for a term of two years from the date of their appointment, and until their successors are appointed. The members of the board shall receive no compensation for their services.

SB 385, AN ACT relating to police training and fixing an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Council" means the Kentucky Law Enforcement Council established by this Act.

(2) "Police Officer" means a member of a lawfully or organized police unit or force of state, county, or city government who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but does not include any elected officer, sheriff, deputy sheriff, constable, district detective, auxiliary police officer, director of state police, or chief of police.

Section 2. The Kentucky Law Enforcement Council is hereby established as an independent administrative body of state government to be made up as follows:

(1) The Attorney General of Kentucky, the Director of the Kentucky State Police, the Director of the Southern Police Institute of the University of Louisville, the Director of the School of Law Enforcement of Eastern Kentucky University, the President of the Kentucky Peace Officers Association, and the Kentucky President of the Fraternal Order of Police, shall

be ex officio members of the Council, as full voting members of the Council by reason of their office. The Kentucky Special Agent in charge of the Federal Bureau of Investigation shall serve on the Council in an advisory capacity only without voting privileges.

(2) Nine members shall be appointed by the Governor for terms of four years, their initial appointments, however, being three for terms of four years, three for terms of three years, three for terms of two years, from the following classifications: a city manager or mayor, one Kentucky sheriff, a member of the Kentucky State Bar Association, five chiefs of police, and a citizen of Kentucky not coming within the foregoing classifications. No person shall serve beyond the time he holds the office or employment by reason of which he was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.

(3) Membership on the Council does not constitute a public office and no member shall be disqualified from holding public office by reason of his membership.

Section 3. The business of the Council shall be conducted in the following manner:

(1) The Council at its initial meeting to be held promptly after the appointment of its members, shall elect a chairman and vice-chairman from among its members who shall serve until the first meeting in the succeeding year. Thereafter, the chairman and vice-chairman shall be elected at the first meeting of each calendar year.

(2) Seven members of the council shall constitute a quorum for the transaction of business.

(3) The Council shall maintain minutes of its meetings and such other records as it deems necessary.

(4) The Council shall report at least annually to the Governor and to the General Assembly as to its activities.

Section 4. The members of the Council shall receive no salary but shall be reimbursed for their reasonable and necessary expenses actually incurred in the performance of their functions.

Section 5. The Council is vested with the following functions and powers:

(1) To establish and maintain a police training program and schools with personnel employed or engaged by the Council, or through such persons or organizations, public, including federal, or private, as it may deem appropriate, or through a combination of the foregoing:

(2) To prescribe standards for the approval and continuation of approval of schools at which law enforcement training courses required under this Act shall be conducted, including but not limited to minimum standards for facilities, faculty, curriculum, and hours of attendance;

(3) To prescribe minimum qualifications for instructors at such schools and to train instructors;

(4) To prescribe qualifications for attendance and conditions for expulsion from such schools;

(5) To approve, to issue and to revoke for cause certificates to schools and instructors as having met requirements under this Act;

(6) To approve and to issue certificates of approval to police officers and other persons as having met requirements under this Act;

(7) To inspect schools at any time and to require of schools, instructors and persons approved or to be approved under the provisions of this Act, any information or documents;

(8) To make a continuing study of police training and standards;

(9) To acquire and dispose of personal and real property, or any interest therein, pursuant to the provisions of KRS Chapters 45 and 56;

(10) Notwithstanding any other provision of law, to accept money, real and personal property, and services from any available source, public, including federal, or private, by grant, appropriation, gift, devise, bequest, or any other means; and to enter into agreements with respect thereto;

(11) To locate its main office and any branch offices or facilities established hereunder at any available site within the state;

(12) To appoint an Executive Director to serve at its pleasure, who shall perform such duties as the Council may assign to him and to fix his compensation; not to exceed the sum of $17,500 per year.

(13) To employ and discharge such other persons as may be necessary or appropriate to carry out the provisions of this Act;

(14) To contract with any person or organization, public, including federal, or private;

(15) To make reasonable rules and regulations to accomplish the purposes of this Act;

(16) To adopt bylaws for the conduct of its business not otherwise provided for;

(17) To perform any other act necessary or appropriate to accomplish the purposes of this Act.

Section 6. No person shall be disqualified from holding a position as a peace officer by reason of his residence or voting eligibility, except as provided in the Constitution.

Section 7. The Council shall make its facilities and services available subject to reasonable rules and regulations of the Council, upon the following terms:

(1) To any officer or employe of the state or a political subdivision thereof having power of a peace officer, provided that his salary and reasonable and necessary travel expenses shall be paid by his employer; unless otherwise provided by the Council.

(2) To such other persons as shall be approved by the Council, upon such terms and conditions as it shall establish, provided that the Council may require reimbursement for the cost of such training as determined by the Council.

Section 8. The General Assembly hereby appropriates from the General Expenditure Fund of the Commonwealth for the implementation of this Act the sum of twenty-five thousand dollars for fiscal year 1968-1969, and the sum of fifty thousand dollars for fiscal year 1969-1970.

SB 124, AN ACT relating to public projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 58.060 is amended to read:

(1) If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the public project on behalf of the governmental agency, with power to charge and collect rents, royalties, fees, rates and charges and to receive any other available revenue sufficient to provide for the payment of any bonds or obligations outstanding against the public project, and for the payment of operating expenses, and to apply the income and revenue in conformity with KRS 58.010 to 58.140 and the order, resolution or ordinance referred to in KRS 58.020.

(2) Notwithstanding any of the other provisions of KRS 58.010 through 58.140, inclusive, it may be provided in the proceedings authorizing bonds issued for the purpose of financing a project under KRS 58.010(1)(b), as amended, that the governmental agency, in connection with the issuance of its bonds, execute a mortgage deed of trust in favor of a trustee, on the project acquired or constructed through the application of the proceeds of the bonds, providing that in the event of default by the agency in the payment of interest or principal of its bonds or in the event of default of any other covenant contained in such mortgage deed of trust the trustee, upon behalf of the bondholders, may institute and carry through foreclosure proceedings,

with the property secured by the mortgage deed of trust put up for sale on foreclosure proceedings, the proceeds of such sale to be used for the benefit of the bondholders. In connection with such plan of financing, such provisions may be inserted in the bonds themselves and in the mortgage deed of trust as may be necessary to protect the bondholders and or order to make such bonds salable with the lowest net interest cost to the agency. If the agency declares its intent by ordinance or resolution to follow the provisions of this section, and in order to do so it is necessarily inconsistent that the provisions of any other section of KRS 58.010 to 58.140 be compiled with, such other provisions of KRS 58.010 to 58.140 which are necessarily inconsistent with the provisions of this section shall not be compiled with to the extent but only to the extent of such necessary inconsistency.

SB 125, AN ACT relating to public projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 58.010 is amended to read:

As used in KRS 58.010 to 58.140, unless the context requires otherwise:

(1) "Public Project" means any lands, buildings, or structures, works or facilities *(a)* suitable for and intended for use as public property for public purposes or suitable for and intended for use in the promotion of the public health, public welfare or the conservation of natural resources, including the planning of any such lands, buildings, structures, works or facilities; *or (b) suitable for and intended for use for the purpose of creating or increasing the public recreational, cultural and related business facilities of a community, including such structures as concert halls, museums, stadiums, theaters and other public facilities, together with related and appurtenant parking garages. offices and office buildings for rental in whole or in part to private tenants, dwelling units and apartment buildings for rental in whole or in part to private tenants, commercial and retail businesses, stores or other establishments, and any structure or structures or combination of the foregoing, or other structures*

having as their primary purpose the creation, improvement, revitalization, renewal or modernization of a central business or shopping community, and shall also include existing lands, buildings, structures, works and facilities, as well as improvements or additions to any such lands, buildings, structures, works or facilities.

(2) "Public Project" as defined herein shall include projects intended for use as public property for public purposes by another governmental agency, including the United States Government, other than the governmental agency acquiring the land or constructing the building, structure or facility.

(3) "Governmental Agency" means the Commonwealth of Kentucky as such acting by or through any department, instrumentality or agency thereof, or any county, city, agency or instrumentality or other political subdivision of the Commonwealth, or agency, or instrumentality thereof:

Section 2. KRS 58.030 is amended to read:

(1) The bonds may be issued to bear interest at the rate not to exceed *seven* [six] percent per annum, payable either annually or semi-annually, and shall be executed in such manner, and be payable at such times not exceeding forty years from date thereof and at such place or places as the governmental agency determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under conditions fixed by the governmental agency before issuing the bonds.

(3) Any governmental agency is authorized to rent or lease such public project or any portion thereof to *or contract concerning same with* any persons, partnerships, associations or corporations either public or private, *profit or non-profit. Notwithstanding any of the other provisions of KRS 58.010 to 58.140 or any other laws, any such renting, leasing or contracting may be accomplished without the necessity of awarding such lease or contract by advertisement or competitive bidding, provided the*

governmental agency so leasing such project or any portion thereof or contracting concerning same first makes a legislative determination that it is in the best interest of such governmental agency to enter into such lease or contract without the necessity for such advertisement or competitive bidding; and such lease may provide that the lessee therein is permitted or obligated to sublease the project of any portion thereof for the purpose of accomplishing the creation, improvement, revitalization, renewal or modernization of a central business or shopping community.

(4) A governmental agency is hereby empowered to accept donations or gifts to the public project from any source and to accept appropriations and grants to the public project from the Federal Governmental or any agency thereof and appropriations from the state or any county, city or other political subdivision and, at the option of the governmental agency, to pledge such donations, gifts or appropriations to the payment of revenue bonds issued to finance the cost of a public project.

Section 3. KRS 58.040 is amended to read:

Bonds issued pursuant to KRS 58.010 to 58.140 shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the governmental agency deems best, or any contract for the acquisition of a public project may provide that payment shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than *seven* [six] percent, except as provided in subsection (2) of KRS 58.030. The bonds shall be payable solely from the revenue derived from the public project and shall not constitute an indebtedness of the state, county, city or political subdivision within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 58.010 to 58.140 and that it does not constitute an indebtedness of the governmental agency within the meaning of the Constitution.

Section 4. KRS 58.050 is amended to read:

All money received from the bonds shall be applied solely for the acquisition, construction, maintenance or improvement of the public project, and the necessary expense of preparing, printing and selling said bonds, or to advance the payment of the interest on the bonds during the first three years following the date of the bonds, *or to provide an initial debt service reserve; and the proceeds of such bonds may be supplemented by contributions from the issuing governmental agency or from any other source toward the cost construction of the project or toward the creation of a debt service reserve for the protection and benefit of the bondholders, or for any other purpose related to the financing of the acquisition and construction of such public project; and it may be further provided that any contribution made for the purpose of assisting in the initial establishment of a debt service reserve for the benefit and protection of the bondholders may be returned or reimbursed to the contributor thereof whenever other equivalent funds have been provided from the revenues of said project or from any other source toward the establishment of such debt service reserve.*

SB 284, AN ACT relating to moving expenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) "Department" means as defined in KRS 12.010;

(2) "Administrative body" means as defined in KRS 12.010;

(3) "Moving expenses" means only the reasonable expenses of moving household goods and personal effects from an employees former residence to his new residence.

(4) "Principal place of work" is the place where the employee spends most of his working time or, in absence of such a place, where he must report in line of responsibility.

Section 2. Any department or administrative body is authorized to reimburse any employee thereof for moving expenses

incurred by reason of being transferred by the same department or administrative body to a new principal place of work when the distance between the new principal place of work and his former residence exceeds by twenty miles the distance between his former principal place of work and his former residence.

SB 364, AN ACT relating to the State Police Retirement System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 16.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) Membership in the system shall consist of all officers of the Kentucky State Police on July 1, 1958, who are entitled to exercise the powers of peace officers, and who hold permanent rank in the Division of State Police up to and including the rank of captain, and all persons who become such officers subsequent to July 1, 1958.

(2) A member with ten or more years of service credit in the State Police Retirement System who accepts regular full-time employment with the Department of Public Safety in a position ordinarily included in the Kentucky Employes Retirement System may, upon the recommendation of the State Police Personnel Board and approval of the Board of Trustees of the Retirement Systems, elect to retain membership in the State Police Retirement System.

(3) [(2)] After July 1, 1958, no person who is age thirty-one or over shall be eligible to become an employee of the Kentucky State Police.

(4) Reciprocal rights provided for in subsection (2) of this section may be exercised retroactively by a member in service on or after July 1, 1968.

SB 321, AN ACT relating to custody of title documents and leases by the Secretary of State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 56.020 of Chapter 56 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Secretary of State shall have custody of all records, judgments, deeds, maps and abstracts of title of land or buildings owned or used for governmental purposes of the state, and all leases of land or buildings leased by the state for a longer total or continuous time *in futuro* than one year, except deeds to rights of way for state or Federal roads. In this section, "roads" does not include state-owned bridges or their approaches.

(2) The Secretary of State shall record all the deeds in a separate book and all the leases in another separate book, and shall file, keep and have accessible the originals of all papers mentioned in subsection (1) of this section, and the books in which they are recorded. He shall index and cross-index the original papers and record books, including an index according to the county where the property is located and according to the use or department of the state government using the property. The records and indexes shall not be moved from the office of the Secretary of State.

(3) The Secretary of State shall record and index a copy of all deeds or other instruments which convey any interest in state owned land or buildings. He shall record and index a copy of all leases for more than one year in which the state is the lessor of state owned property. This requirement of recording and indexing shall apply only to deeds and other instruments conveying interests in lands and buildings, the records regarding the acquisition of which the Secretary of State is the custodian pursuant to the provisions of subsection (1) of this Act.

SB 322, AN ACT relating to the acquisition and use of motor vehicles by the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 44 is created to read as follows:

(1) A Passenger motor vehicle or vehicles may be pur-

chased by the Department of Finance for the use of the Governor and the Lieutenant Governor.

(2) Motor vehicles, including passenger motor vehicles, may be purchased by the Department of Finance as are deemed necessary by the Commissioner of Finance for the discharge of the authorized duties and functions of the various agencies of the state. Said vehicles shall be used for official purposes only, and for no other purposes. The assignment of passenger motor vehicles to specific individuals shall be discouraged, but may be made upon approval by the Commissioner of Finance of a written request to make such assignment by the head of the agency involved.

(3) All motor vehicles purchased pursuant to this Act shall be issued official license plates and shall bear on one door on each side the Great Seal of the Commonwealth, and the words "For official use only"; provided, however, that the vehicles purchased pursuant to subsections 1 and 4 of this Act need not bear the said seal and the said words.

(4) The Departments of Revenue, Public Safety, and Law and the Crime Commission may, upon approval by the Commissioner of Finance of a written request by the head of the agency involved, be authorized to register a vehicle or vehicles under KRS 186.020 and be issued regular license plates. Such vehicles shall be used for investigatory purposes only, and for no other purposes.

(5) The Commissioner of Finance may adopt such regulations as may be necessary to govern the use of those state owned vehicles acquired pursuant to the provisions of this Act.

(6) Any person violating subsections (2) and (4) of this Section shall, on conviction thereof, be subject to the penalties prescribed in KRS 44.990.

Section 2. Section 44.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any of the provisions of *this Act* [KRS 44.050 or 44.060] shall be fined not less than fifty dollars nor more than five hundred dollars for each offense.

Section 3. Subsection (1) and (2) of KRS 44.050 are hereby repealed.

SB 333, AN ACT relating to the Department of Treasury, the Department of Finance, and Budget and Financial Administration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 41.070 of the Kentucky Revised Statutes is amended to read a follows:

(1) Unless otherwise expressly provided by law, no receipt from any source of state money or money for which the state is responsible shall be held, used or deposited in any personal or special bank account, temporarily or otherwise, by any agent or employee of any budget unit, to meet expenditures or for any other purpose. All receipts of any character of any budget unit, all revenue collected for the state, and all public money and dues to the state shall be paid promptly into the State Treasury in the form in which received [through and upon the written permit of the Department of Finance], except that in the case of state departments or agencies located outside Frankfort, and all state institutions, the Department of Finance may permit temporary deposits to be made to the accounts maintained by the agency, department, or institution in a bank which has been designated as a depository for state funds for a period not to exceed thirty days, and may require that the money be forwarded to the State Treasury at the time and in the manner and form prescribed by the department. Nothing in this section shall be construed as authorizing any representative of any agency, department, or institution to enforce or cash, even for the purpose of a deposit, any check or other instrument of value payable to the Commonwealth or any agency thereof.

(2) *Each agency shall deposit its receipts directly with the State Treasurer on an approved pay-in-voucher form.* [The Department of Finance may authorize an agency to deposit its receipts directly with the State Treasury provided that the department shall prescribe forms and reports to be filed with the department when that type of deposit is made.]

(3) The State Treasurer, with the approval of the Department of Finance, may authorize an agency to deposit its receipts directly with a depository designated by the Treasury to the credit of the State Treasury provided that the Treasury shall prescribe the manner in which the deposit is to be made, and the forms and report to be filed with the Treasury Department. The Department of Finance shall prescribe the forms and reports to be filed with it when this type of deposit is made.

(4) Each department, agency, or other budget unit which receives funds to be deposited into the State Treasury shall maintain records to report adequately each amount received, from whom received, and date received; such agency record shall be easily reconcilable with the pay-in-vouchers forwarded to the State Treasurer.

Section 2. Section 41.100 of the Kentucky Revised Statutes is amended to read as follows:

The Treasurer shall receive all money due or payable to the state, when tendered *by a state agency* [accompanied by the permit of the Department of Finance]. *He shall receipt one copy of the pay-in-voucher and forward it to the Department of Finance* [He shall immediately make out a receipt for the amount received, showing of whom received and on public money shall be withdrawn from what account paid, and deliver it to the department of Finance, which shall in like manner give a receipt to the person paying the same. The receipt shall state that it is in full, if the amount paid is all that is due from the person].

Section 3. Section 41.110 of the Kentucky Revised Statutes is amended to read as follows:

No public money shall be withdrawn from the Treasury for any purpose other than that for which its withdrawal is proposed, nor unless it has been appropriated by the General Assembly or it a part of a revolving fund, and has been allotted as provided in KRS 45.010 to 45.990, [nor unless the expenditure has been authorized by the administrative head of the budget unit and the Department of Finance has been advised of such authorization, nor unless a statement of indebtedness has been submitted to and approved by the Department of Finance,] and then only on the

warrant of the Department of Finance. The provisions of this section do not apply to withdrawals of funds from state depository banks for immediate redeposit in other state depository banks *or to funds held in trust for the security of bond holders.*

Section 4. Section 41.120 of the Kentucky Revised Statutes is amended to read as follows:

All claims against the state shall be paid by the Treasurer on the warrants of the Department of Finance. All warrants issued in accordance with the provisions of this chapter shall, when signed by the Commissioner of Finance or an assistant designated by him, constitute full and sufficient authority to the Treasurer for the disbursement of public money in the amount set forth. Said signatures may be placed on the warrants by means of an approved mechanical device. *A signed transmittal which lists warrants may be accepted in lieu of each warrant being signed.*

Section 5. Section 41.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each warrant of the Department of Finance upon the Treasury shall specify [upon its face] the date, number, amount, person to whom payable, on what account issued, and the particular appropriation against which it is drawn, and no money shall be disbursed by the Treasurer unless the warrant contains these specifications. The Department of Finance shall date and number each warrant [, beginning the first day of July and ending the thirtieth day of June].

(2) No warrant shall be issued unless the money to pay it has been appropriated by law. The Department of Finance may require any claimant to state on the face of his claim the law under which it is payable.

Section 6. Section 41.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Treasurer shall accept the warrants drawn by the Department of Finance and issue his check on a state depository bank in payment therefor if there is sufficient money in the Treasury appropriated for that purpose.

(2) *The Treasurer shall maintain a check register that shall show all checks issued, name of payee, date, and amount, and it shall be easily reconcilable to the warrants issued by the Department of Finance.* [The Treasurer shall write on the face of each paid warrant "redeemed," and shall register in a book to be kept for that purpose, when presented, the number, date, amount and the name of the person to whom each warrant is payable, and opposite the registry of each warrant, in separate columns, the date of payment and the amount of interest, if any, paid thereon.]

Section 7. Section 41.160 of the Kentucky Revised Statutes is amended to read as follows:

No money shall be paid out of the Treasury except by the check of the Treasurer upon a state depository. The Treasurer shall date and number his checks on each of the state depositories in the order in which they are issued [, beginning the first day of July and ending the thirtieth day of June]. Payments may be made direct by the Treasurer to the persons entitled to receive them, by mail or otherwise, or through the heads of the budget units which incurred the expenditures.

Section 8. Section 41.170 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Finance shall enter all warrants into a general ledger account for warrants payable. After the Treasurer has issued a check to pay the warrant, he shall notify the Department of Finance in writing; a single notification may reflect all warrants paid each day. [The Department of Finance shall transfer the entries of warrants issued by it into the book of general accounts, under separate and distinct heads, exhibiting the total amount of issues for each budget unit. The Department of Finance shall, during the first ten days of each month, examine all paid warrants to determine that they are authentic and properly endorsed, compare each paid warrant with the description thereof in the lists of warrants issued as submitted to the Treasurer, check off each paid warrant on the lists by entering opposite its description the month and the year of payment, and compile a list of outstanding warrants and file a copy thereof with the Treasurer. All paid warrants after being verified, checked and recorded shall be deposited with the Treasurer.]

Section 9. Section 41.280 of the Kentucky Revised Statutes is amended to read as follows:

The Treasurer shall maintain the necessary records to exhibit accurately the Treasury's cash balance. The Department of Finance shall provide the Treasurer with accounting data that will accurately describe the Commonwealth's financial condition. The Treasurer shall keep [, in appropriate well-bound books, true accounts of all money paid into the Treasury, by whom, when, how and on what account paid. In like manner he shall keep a true account of all sums paid out, when, to whom, and for what paid, and shall also keep an account with] *a record of* each depository, showing the amount deposited and the date, and the amount checked out and the date. [The accounts shall be so kept as to exhibit the amount received and disbursed on account of every department of the public service.]

Section 10. Section 41.290 of the Kentucky Revised Statutes is amended to read as follows:

Every department, institution or other agency of the state government having private funds or contributions available for its support or for the purpose of defraying the expenses of any work done under its direction shall deposit such funds or contributions with the Treasurer, [through the Department of Finance,] and shall certify to the Department of Finance the sources from which the funds or contributions were received, the terms and conditions under which, and the purpose for which, they were received, the names of the trustees or administrators of the funds or contributions, and the name of the person authorized to approve expenditures from each fund or contribution. [The Treasurer shall keep each such fund or contribution entirely separate and distinct from all other funds.] All disbursements from such funds and contributions shall be made by the Treasurer on the warrants of the Department of Finance, which shall issue such warrants only upon adequate vouchers approved by the person authorized to approve the expenditures. Separate *accounting shall be made for each such contribution* [sets of accounts with each of such funds and contributions], and the receipts and disbursements thereof, shall be maintained by the Department of Finance. This section does not apply to private

funds of students in state educational institutions nor to the private funds of patients or prisoners in state charitable or correctional institutions, when such funds are deposited with an officer of such institutions for safekeeping, nor to the private funds or contributions made and available to the *governing boards of the state supported institutions of higher learning* [Board of Trustees of the University of Kentucky].

Section 11. Section 41.310 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Finance shall furnish the Treasurer reports which exhibit the status of each receipt and expenditure account. At the end of each month the Treasurer shall furnish the Department of Finance a report showing the accumulated receipts and a listing of all warrants unpaid as of the end of the last day of each month. ['The Department of Finance and Treasurer shall, once in each month, make a settlement of the receipts and disbursements of the money at the Treasury of every description, under appropriate heads, and file the settlement with the Secretary of State, who shall report the settlements to the General Assembly within the first ten days of each regular session. The Department of Finance shall, once in each month, ascertain the balance in the Treasury from the monthly statements from the state depositories, by an actual count of the money, if any, in the vaults of the Treasury, by a comparison of the total amount of all paid and unpaid checks previously issued by the Treasurer, and by comparison of the books of the Treasurer and the books of the Department of Finance. The Department of Finance shall at once report the result of such investigation, under oath, to the Governor.]

Section 12. Section 42.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Finance shall have and exercise all administrative functions of the state, except as otherwise provided by law, in relation to:

(a) Developing financial policies and plans for consideration by the Governor as the basis for his budget and recommendations to the General Assembly, and prepairing the detailed

documents in accordance with the financial plans of the Governor for presentation to the General Assembly.

(b) Coordinating and supervising the fiscal affairs and fiscal procedures of the state to insure the carrying out of the definite financial policies and plans approved by the General Assembly.

(c) Accounting, including budgetary accounting and accounting control [of the incurring of obligations].

(d) Fiscal reporting.

(e) *Supervision of* preauditing of expenditures and current auditing of receipts and receivables.

(f) *Supervision of* purchasing and storekeeping and control of property and stores.

(g) *Supervision of* [Keeping accounts controlling] all receivables of the state.

(h) Maintaining and operating public buildings, except those provided for the exclusive use of any one agency.

(i) Auditing the accounts of the Treasurer and the Auditor of Public Accounts, as contemplated by Section 53 of the Constitution.

(j) Coordination and supervision of data processing, computers, and government information systems.

(2) *The Department of Finance shall be primarily responsible for maintaining management control over the activities of the several budget units. To perform this function,* the Department of Finance shall:

(a) Keep in continuous touch with the operations, plans and needs of the several state agencies, and with the sources and amounts of revenue and other receipts of the state.

(b) Appraise the quantity and quality of services rendered by each agency, and the needs for such services and for any new services.

(c) Examine and recommend work program and periodical allotments to the several state agencies, and changes therein.

(d) Develop plans for improvements and economics in organization and operation of the several state agencies, and install such plans as are approved by the respective heads of the agencies or as directed by the Governor or the General Assembly.

(e) Devise and prescribe the forms of operation reports to be required periodically from each agency and require the agencies to make such reports.

(f) Examine and approve all statements and reports on the financial condition, estimated future financial condition and operation of the state government and its agencies, before any such reports are released to the Governor, to the General Assembly, or for publication.

(g) Receive and deal with all requests for information as to financial conditions and operations of the state.

(h) Prepare such unit costs and costs statistics as are required from time to time.

(i) Advise and assist the Governor, the General Assembly and the appropriation committee of the General Assembly, on requests, in any matters relating to the functions of the Department of Finance.

(j) Keep a summary of the financial transactions of all state agencies.

(3) The functions conferred upon the Department of Finance by this section shall be in lieu of similar functions formerly exercised by other state agencies.

Section 13. Section 45.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Appropriation" means an authorization by the General Assembly to a budget unit to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in this chapter.

(2) "Appropriation Act" means an Act of the General Assembly that authorizes the expenditure of state money.

(3) "Budget" means the complete financial plan for each

fiscal year as proposed in the budget report and modified and adopted by the appropriation and revenue Act.

(4) "Budget class" means one of the kinds of expenditure denoting a class of services or commodities purchased or properties acquired as specified in the classification of expenditures provided for in this chapter, for use in expenditure accounting, in the making of budget estimates, and in the budget reports and budgets.

(5) "Budget estimate" means the statement with accompanying explanations, as provided in this chapter, in which a budget unit states its financial requirements and requests appropriations.

(6) "Budget report" means the recommendations of the Governor to the General Assembly as to financial plans and expenditures to be authorized, with the accompanying statements and explanations provided for in this chapter.

(7) "Budget unit" means a department or other unit or organization for which separate appropriations are made from those for any other unit of organization.

(8) "Capital outlay" means the exchange of values involved in acquiring lands, buildings, equipment or other permanent properties, or in their construction, development or permanent improvement.

(9) "Disbursement" means cash actually paid out for any purpose.

(10) "Employee" means the lawful incumbent of a position as defined in this section.

(11) "Expenditure[s]" means expenses and capital outlays, *but does not include disbursements for the purpose of investing idle funds in investment type securities, or disbursements such as, but not necessarily limited to, those for the purpose of providing loans to sheriffs.*

(12) "Expense[s]" means values consumed in maintaining, managing and operating government services, in contributing to the cost of maintaining and operating public services supported in whole or in part by the state, and in providing in ac-

cordance with law for any grants, aids, relief or compensation to individuals, whether such values are represented by cash paid out or by obligations to pay cash, or partly by each.

(13) "Operating receipts" means cash received by a budget unit for services rendered, or from the sale of materials, goods or supplies created by the budget unit *or of items held for resale.*

(14) "Position" means any office or employment, or combination of them, in the service of the state, involving duties to be performed and responsibilities to be exercised by one person.

(15) "Receipts" means cash actually received from any source.

(16) *"Revenue Receipts* [Revenues]" means values accruing *as a result of taxation or revenues, or both, and* without resultant increase in liabilities or decrease in assets, whether such values are represented by cash actually received or by amounts due and payable, or partly by each.

(17) *"Non-revenue Receipts" means funds received from the sale or disposition of assets including the sale of investments.*

Section 14. Section 45.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) All expenditures of the state and of its budget units shall be made under the authority of an annual or biennial appropriation Act or appropriation Acts, which shall be based upon a budget prepared as provided in this chapter.

(2) Any funds received into the State Treasury which are later determined not to be due to the state may be refunded to the person who paid such funds into the Treasury. The Department of Finance may issue a warrant to disburse the funds upon a request from the budget unit that originally received and deposited the funds. The request for refund must be approved by the head of the budget unit or his designated assistance. The Department of Finance may require any documentation deemed necessary.

Section 15. Section 45.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Revolving [fund] accounts may be established *in the operating fund* by appropriations for financing activities self-supporting in whole or in part. [The operating receipts of such activities shall be deposited in the State Treasury to the credit of the revolving fund so established.]

(2) Trust and agency [fund] accounts may be established *in the operating fund* to receive and disburse contributions, gifts, donations, devises and Federal appropriations, and, when authorized by law, by depositing all of the fees (which include fees for maintenance in state institutions, incidental fees, tuition fees, fees for board and room, athletics, and student activities), rentals, admittance, sales, licenses collected by law, subventions and other miscellaneous receipts of such boards, commissions, departments, agencies and institutions.

(3) The head of the budget unit or other responsible fiscal agent of the unit or division for which a revolving, trust or agency [fund] account has been established shall deposit with the State Treasury all receipts of the character above described, and the Department of Finance [and State Treasury] shall credit all such receipts to the budget until or division thereof as directed in writing by the head of the budget unit or division thereof, and shall keep [a] separate *accounting* [account] for each *account* [fund] so established.

(4) The amounts credited to any revolving, trust or agency [fund] account so provided, [together with any amount appropriated therefor, may be expended for the purposes of the fund without further specific appropriation. All money received for the fund, except direct appropriations from the state, shall at all times be reserved in the State Treasury] *shall be held* available for disbursement for the purpose of the fund in the manner provided by law and shall not be diverted to any other purpose. Revolving [fund], trust or agency accounts shall be subject to withdrawal from the State Treasury by the head of each budget unit or division thereof when actually needed, on requisition to the Department of Finance in the same manner provided by law as other state funds are withdrawn. Funds received from the federal government in the form of grants or otherwise may be expended for the purpose intended even

though received in a fiscal year other than that in which the related original encumbrance or expenditure was incurred.

(5) Subject to prior approval by the Commissioner of Finance, any agency which, as an incident to its authorized duties and functions, furnishes requested services or materials to any persons outside State Government, where such services or materials are not required by law, to be furnished gratuitously, may charge such persons an amount not to exceed the total expense to the agency of the services or materials furnished. The receipts from such approved charges shall be deposited and expended in accordance with KRS 45.140 (2), (3), and (4) or may be deposited as a general fund receipt at the discretion of the Commissioner of Finance.

Section 16. Section 45.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Finance shall limit disbursements to the amounts and for the purposes for which appropriations are made. *All disbursements shall be reflected in the unified and integrated system of accounts as provided by KRS 45.300.* [No disbursements in payment of liabilities incurred, except liabilities representing the expenses of the General Assembly, salaries of elected state officers, and special grants or orders of the General Assembly, shall be made from any appropriation or fund, other than petty cash funds, unless there has been previously filed with the Department of Finance commitment statements as follows:

(a) For personal services of state officers and employees, except elected officers, an advice of employment for each such officer and employee, certified as true and correct by the responsible head of the budget unit, giving the name of the budget unit, the name of the officer or employee regularly appointed to a position in the unit, the rate of pay, the date from which the employment takes effect, and the appropriation to which payment of the salary or wages is to be charged; or

(b) Copies of the purchase orders or contracts under which the obligations are incurred, which purchase orders or contracts shall specify the work to be done or the services to be rendered, the unit cost or rate of payment, and the estimated total cost, or

the kind of commodities to be supplied, and the quantity, grade or quality, unit price and estimated cost of the commodities; or

(c) Where it is not possible or practicable to issue a purchase order or to complete a contract, a written requisition upon the Department of Finance, describing in detail the nature of the commitment entered into or the obligation incurred, or a letter of travel authorization for travel outside of Kentucky, stating the unit cost and the total cost involved, and requesting reservation of the sum of money necessary to discharge the obligation.]

(2) The Department of Finance shall prescribe *all forms to be used in, or in conjunction with, the unified accounting system* [a form of advice of employment, a form of purchase order and a form of requisition for the reservation of funds. All commitments shall be authorized on such forms by the heads of the budget units in conformity with the provisions of this chapter, and copies of all such authorization shall be transmitted immediately to the Department of Finance].

(3) The administrative head of each budget unit shall designate in writing the officer or employee authorized to sign advices of employment, copies of purchase orders and contracts, *and* requisitions for reservation of funds, [and letters of travel authorization for travel outside of Kentucky,] and no such advice, order, contract or requisition shall be honored as a commitment statement unless the designation, with a copy of the signature of the officer or employee designated, is on file in the office of the Department of Finance.

(4) *The Department of Finance may approve for payment any disbursement document presented by a budget unit, provided that the Department of Finance is able to determine that the disbursement is to satisfy a liability of the Commonwealth of Kentucky created on behalf of that agency in fulfilling the governmental function assigned to that budget unit and that the disbursement is being made from the unexpended balance of a proper allotment.*

(5) *Subsidiary records shall be maintained to report the financial operation and condition of each budget unit. These*

subsidiary records shall be compatible with the unified accounting system prescribed by subsection (1) of this section and by KRS 45.300, and may be on the accrual basis or cash basis. Disbursements may be by prior encumbrances or by straight disbursements. The subsidiary records may be maintained by the Department of Finance or by the budget unit involved with the approval of the Commissioner of Finance. When a budget unit is authorized to maintain subsidiary records, the Department of Finance shall have authority to prescribe the accounting and preauditing procedures. The unified system of accounts shall conform to accepted management and accounting principles.

Section 17. Section 45.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided by law, each state officer or employee who is authorized by law to receive, from corporations or from the State Treasury or any fund appropriated out of the State Treasury, his traveling or other expenses incident to the discharge of his official duties, shall submit to the Department of Finance an itemized statement of such expenses, accompanied by a receipt [, on a blank furnished by the Department of Finance,] for each item of expense in excess of two dollars, before the Department shall audit or pay such expenses. *The Department of Finance may rely on a preaudit performed by the budget unit as a basis for issuing a warrant.*

(2) The Department of Finance may issue rules and regulations to permit state agencies and institutions to contract with airlines, railroads, hotels or other companies for services to a group of their employees while on official travel status. Such expenses are to be submitted to the Department of Finance on forms prescribed by the Department of Finance before the department shall audit or pay such expenses.

(3) The Department of Finance may issue rules and regulations to permit state officers or employees to assign their claim for reimbursement of travel expenses to airline, railroad, hotel, or other companies in payment of services rendered as provided for in subsection (2) of this section and as shown on the itemized statement and receipts as provided for in subsection (1) of this section, which statement and receipts shall indicate

that such company has extended credit to said officer or employee in the name of the state and incident to the discharge of his official duties.

(4) Each state officer or employee who by reason of the duties assigned to his office, is required to be at the state capital for the majority of the time, or who has an office located at the state capital, shall not be permitted to charge for expenses except from the state capital to the place where the business he is transacting is to be transacted, and from that place back to the state capital, and each officer or employee who is assigned to duty at some place other than the state capital shall only be permitted to charge to the state such expenses as are incurred in going from that place to the place where the business is transacted, and returning. Expenses in going from the state capital or the place where the officer or employee is assigned to duty to the officer's or employee's real place of residence, or in return therefrom, shall not be allowed unless it is shown that it was necessary for him to make the trip in the discharge of business for the state.

(5) *The Department of Finance may issue rules and regulations to permit the payment of travel and other expenses incidental to the official activities of formally organized groups sponsored by or otherwise representing state agencies. The payment may be made direct to service establishments in the manner set forth in subsection (3) of this Act, by an inter-account bill between budget units, or by reimbursement to the official or other employee who has been designated as the officer-in-charge of the organized group. If it is necessary that one or more state employees or officials travel with the group, their expenses may be included in the total expenses for the group.*

(6) *The Department of Finance may issue rules and regulations allowing heads of budget units to establish imprest cash funds for reimbursement of travel expenses.*

Section 18. Section 45.190 of the Kentucky Revised Statutes is amended to read as follows:

[(1) Every advice of employment, copy of purchase order of contract, requisition for reservation of funds, or letter of travel

authorization for travel outside of Kentucky shall, immediately upon its receipt in the office of the Department of Finance, be stamped with the date of its receipt and be examined by the Department of Finance within the next business day after being so received. A copy of such documents shall be maintained on file in the office of the Department of Finance. The Department of Finance shall ascertain whether or not the proposed expenditures are authorized by the appropriations and allotments to which it is proposed to charge them, and that the amounts involved do not exceed the unencumbered balances of such allotments. If any proposed expenditure cannot be approved by the Department of Finance under the provisions of this chapter, the department shall promptly notify the head of the budget unit concerned that the proposed expenditure is disallowed. The Commissioner of Finance shall cause to be stamped on, or attached to, each approved commitment voucher, a certificate by himself or his authorized agent as follows:

"I certify that this voucher has been examined, that the proposed expenditure is authorized by appropriation and allotment and does not exceed the unencumbered balance of the allotment to which it is property chargeable, and that the total estimated cost has been entered as a charge against (here insert the designation of the proper allotment.)"]

(1) [2] No head of a budget unit or assistant designated by him shall approve any advice of employment, purchase order, contract, requisition for reservation of funds or letter of travel authorization for travel outside of Kentucky that will involve an expenditure of any sum in excess of the unencumbered balance of the allotment to which the resulting expenditure will be chargeable.

(2) [3] Except as expressly authorized in this chapter, no person shall incur, or order or vote to incur, any obligation against the state in excess of, or any expenditure not authorized by, appropriation *of the General Assembly and an* [,] allotment *o funds by the Department of Finance,* [and approval of a commitment voucher as provided in this chapter]. Any such obligation so incurred shall not be binding against the state, and

shall be void and incapable of ratification by any administrative authority of the state.

(3) [4] Each department or budget unit shall maintain a current inventory of all supplies and equipment. Such inventory of supplies and equipment shall be available for examination by the Department of Finance at all times. A copy of the inventory of each department or budget unit shall be filed with the Department of Finance as of June 30 of each year.

Section 19. Section 45.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Finance shall examine all [statements of indebtedness] *authorizations for payment* presented, and if it find them correct shall file them and issue warrants upon the State Treasurer. The Department of Finance shall not certify any claim to the State Treasurer until it is satisfied that there is, in the appropriation to the budget unit against which the claim is chargeable, a sufficient amount to pay the claim. *The Department of Finance may rely on the preaudit performed by a budget unit as a basis for issuing a warrant.*

(2) The Department of Finance, with the approval of the Attorney General, may authorize the compromise of any disputed claim by or against the state or any budget unit thereof.

Section 20. All laws, or parts of laws, in conflict with the provisions of this Act are hereby repealed.

Section 21. Sections 41.080, 41.090, 41.180, 41.185, 41.190, and 45.210 of the Kentucky Revised Statutes are hereby repealed.

SB 349, AN ACT transferring the authority to make loans to local airport boards from the Industrial Development Finance Authority to the Department of Aeronautics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 183 of the Kentucky Revised Statutes is created to read as follows:

Recognizing that the rapid development of a statewide system of airports is of prime importance in the industrial development of the state, the General Assembly reaffirms its previous declarations that the acquisition, establishment, construction, enlargement, improvement, maintenance, equipping and operation of airports is a public purpose, and further declares that assistance in the financing of local airport projects to be within the proper province of state government.

Section 2. A new section of Chapter 183 of the Kentucky Revised Statutes is created to read as follows:

(1) A local airport board may apply to the Commissioner of the Department of Aeronautics for assistance in carrying out any project authorized by KRS 183.132 to 183.138 and KRS 183.762 to 183.772. The Commissioner shall approve or disapprove the application subject to the provisions of this act and the regulations of the Department.

(2) In considering applications submitted pursuant to subsection (1) of this section, the Governor may appoint an airport loan committee consisting of not less than three or more than five citizens of the Commonwealth interested in airport development who shall upon the request of the Commissioner review the applications and make recommendations to the Commissioner.

(3) Members of the committee shall receive twenty-five dollars for each day in actual session and shall be reimbursed for travel expenses and other reasonable expenses incident to performance of their duties.

Section 3. A new section of Chapter 183 of the Kentucky Revised Statutes is created to read as follows:

To be eligible to receive a loan under this Act a local airport board shall:

(1) Furnish towards the project an amount equal to at least one-fourth of its share of the project.

(2) Show its inability to obtain the amount applied for from any source other than the Department.

Section 4. A new section of Chapter 183 of the Kentucky Revised Statutes is created to read as follows:

A loan made pursuant to this Act:

(1) shall be repayable in not more than ten years, although the Commissioner may contract that it shall be repayable in less time.

(2) shall be secured by a mortgage on airport property or such other security as the Commissioner may deem acceptable.

Section 5. A new section of Chapter 183 of the Kentucky Revised Statutes is created to read as follows:

(1) The Department shall promulgate regulations governing loans made under this Act. The regulations shall provide:

(a) The rate of interest to be charged

(b) The terms of the loans

(c) Standards for determining the soundness and feasibility of projects

(d) The form and contents of applications for loans; and

(e) Such other matters as the Commissioner may determine to be necessary consistent with the provisions of this Act.

(2) Regulations governing the granting of loans shall be based on the expressed purposes of this Act and shall be such as to reasonably protect the loan by the Commissioner.

Section 6. A new section of Chapter 183 of the Kentucky Revised Statutes is created to read as follows:

All records, documents, resources, and assets that have come into existence as a result of transactions pursuant to KRS 154.210 through 154.270 together with the revolving fund established by KRS 154.270 are hereby transferred from Industrial Development Finance Authority to the Department of Aeronautics.

Section 7. Sections 154.210 through 154.270 of the Kentucky Revised Statutes are hereby repealed.

Section 8. The effective date of this Act shall be July 1, 1968.

SB 365, AN ACT relating to the issuance of regulations by the State Fair Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The State Fair Board is authorized to establish such regulations as it deems necessary or desirable governing the operation, maintenance or use of property under its custody and control.

(2) All regulations established by the State Fair Board shall be printed and posted at not less than three public places on the property under its custody and control.

(3) All persons using, occupying or going upon any property under the custody and control of the State Fair Board shall comply with all regulations made by it.

(4) Any person who violates subsection (3) of this section shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned in jail for not less than one day or more than ten days or both.

SB 372, AN ACT entering into the Compact for Education, and providing for the implementation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Compact for Education is hereby entered into law with all jurisdictions legally joining therein, in the form substantially as follows:

COMPACT FOR EDUCATION

Article I. Purpose and Policy.

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the State and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

Article II. State Defined.

As used in this Compact, "State" means a State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III. The Commission.

A. The Education Commission of the States, hereinafter called "the Commission," is hereby established. The Commission

shall consist of seven members representing each party State. One of such members shall be the Governor; two shall be members of the State legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the State education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party States, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations,

the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (j).

C. The Commission shall have a seal.

D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The Commission may establish and maintain such facili-

ties as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.

J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

Article IV. Powers.

In addition to authority conferred on the Commission by other provisions of the compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof,

and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Article V. Cooperation With Federal Government.

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exeeed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may devise with any such agencies or officers concerning any matter of mutual interest.

Article VI. Committees.

A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the voting membership of the steering committee shall consist of Governors, one-fourth shall consist of Legislators, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members lected to the first steering committee of the Commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the Com-

mission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regular ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States.

C. The Commission may establish such additional committees as its bylaws may provide.

Article VII. Finance.

A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.

C. The Commission shall not pledge the credit of any party States. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (g) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pur-

suant to Article III (g) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

Article VIII. Eligible Parties; Entry Into and Withdrawal.

A. This compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any State or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: Provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his State a party only until December 31, 1967. During any period when a State is participating in this

compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his State, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, any party State may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

Article IX. Construction and Severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the State affected as to all severable matters.

Section 2. The Kentucky representation on the Commission provided by Article III of the Compact consists of seven members, one of whom shall be the Governor, two of whom shall be members of the General Assembly, a Representative and a Senator, selected by the Legislature Research Commission in accordance with KRS 8.080; and four of whom shall be appointed by and serve at the pleasure of the Governor.

Section 3. Pursuant to Article III (i) of the compact, the commission established by the compact shall file a copy of its

bylaws and any amendment thereto with the Legislative Research Commission.

Section 4. To cover Kentucky's share of expenses of the Compact for Education, there is appropriated from the general fund the sum of $10,500 for each of the fiscal years 1968-69 and 1969-70.

Section 5. WHEREAS, Kentucky has previously participated in the Compact for Education by executive order, and whereas such participation expired December 31, 1967, therefore in order to continue the state's participation with the least possible break in continuity, an emergency is declared to exist, and this Act shall take effect upon passage and approval by the Governor.

Representative DeMarcus moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions

HR 103, by Representatives Huff and DeMarcus: A JOINT RESOLUTION directing the Department of Mines and Minerals and the Legislative Research Commission to study the state's mining laws.

Representative DeMarcus moved the adoption of **HR 103.**

HR 103, A JOINT RESOLUTION directing the Department of Mines and Minerals and the Legislative Research Commission to study the state's mining laws.

WHEREAS, much controversy and confusion surround the mining laws of the state that regulate the safety of mines; and

WHEREAS, legislation on this subject which has been introduced into the present session of the General Assembly has been vigorously attacked as being detrimental to the safety of the miners and an impairment of the Department of Mines and Minerals' authority to promote better safety;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Mines and Minerals and the Legislative Research Commission are directed to study in depth the laws of Kentucky that regulate mine safety and to report to the 1970 General Assembly their findings and any recommendations they may have for changes in the law.

Section 2. The Department and the Legislative Research Commission shall jointly appoint a Committee representing all classes of persons affected by the mining laws of this state, to advise in conducting the study.

Agreed.

Representative Johnson requested that his name be removed as sponsor of **HB 609.** Agreed.

Orders of the Day (Cont.)

Representative Hinkle moved that **HB 558** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 524, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved the adoption of the Committee Amendment to **HB 524.** Agreed.

On the roll call the vote was yeas 49—Alexander, Arnett, Baker, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clark, Coffey, James A. Davis, Dawhare, Floyd, Greer, Hampton, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Louden, May, McGill, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Ray, W. J. Reynolds, Richey, Russell, Saylor, Siemens, Tobin, Vanover, Wheeler. Nays 8—Cox, Henry, Massey, Riddle, Sartin, Simmons, Wesley, White.

HB 524 as amended was passed and the title agreed to.

Representative Blume moved that the vote by which **HB 524** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SR 52, SR 61, SB 80, SB 138, SB 139, SB 143, SB 181, SB 182, SB 268, SB 269, SB 286, SB 338, SB 342, SB 361, SB 363, SB 379, SB 382, SB 383, SB 384, SB 388** and **SB 392.**

Orders of the Day (Cont.)

HB 558, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hinkle moved the adoption of the Committee Amendment to **HB 558.** Agreed.

On the roll call the vote was yeas 74—Alexander, Arnett, Baker, Ball, Blandford, Blume, Blythe, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Vanover, Walters, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 558 as amended was passed and the title agreed to.

Representative Hinkle moved that the vote by which **HB 558** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 469 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Alexander, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Bowles, Brown,

Bruce, Clapp, Coffey, Cox, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McGill, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 1—Walters.

HB 469 was passed and the title agreed to.

Representative Curlin moved that the vote by which **HB 469** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 90 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Irick moved that **HR 90** be laid on the table.

The motion to table **HR 90** was rejected. The vote was 13 yeas and 48 nays.

On the roll call the vote was yeas 47—Akers, Alexander, Arnett, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Clapp, Coffey, Cruse, James A. Davis, DeMarcus, Floyd, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Isler, James, Jones, Keith, Kessinger, King, Lawson, Maddox, McGill, Mershon, Robert L. Miller, Murphy, Prather, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Smith, Vanover, White, Wright. Nays 24—Allen, Baker, Ball, Blume, Cox, Curlin, Dawhare, Denham, Greer, Henry, Irick, Johnson, Justice, Keene, Lankford, Louden, McBrayer, Mitchell, Pettit, Siemens, Walters, Webster, Wesley, Wooley.

HR 90 was passed and the title agreed to.

HB 452, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Prather moved the adoption of the Committee Substitute to **HB 452.** Agreed.

On the roll call the vote was yeas 78—Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Prather, Rattliff, Ray, Richey, Rickert, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 452 as amended was passed and the title agreed to.

Representative Prather moved that the vote by which **HB** 452 as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 187, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mitchell moved the adoption of the Committee Substitute to **HB 187.** Agreed.

On the roll call the vote was yeas 19—Blume, Blythe, Brown, Curlin, Huff, Irick, Isler, Justice, Keene, Kidd, Louden, Mershon, Mitchell, Murphy, Pettit, Saylor, Webster, Wells, Wooley. Nays 47—Akers, Alexander, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Bowles, Bruce, Clapp, Clark, Coffey, Cox, DeMarcus, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hoe, Holbrook, Hunt, James, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Maddox, McKinney, R. L. Miller, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Simmons, Smith, Tobin, White.

HB 187 was defeated.

Representative Morgan moved that the Rules be suspended to call **HB 198** out of position as posted for passage,

On the roll call the vote was yeas 53—Akers, Alexander, Arnett, Baker, Ball, Bamberger, Bleemel, Bowles, Bruce, Carroll, Coffey, Cox, Curlin, James A. Davis, Dawhare, DeMarcus, Halleck, Hoffman, Holbrook, Hunt, Irick, Isler, Johnson, Justice, Keene, Kessinger, Lawson, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Siemens, Smith, Tobin, Vanover, Walters, Webster, Wesley, Wheeler. Nays 13—Denham, Hardin, Hinkle, Huff, James, Keith, King, Lankford, Maddox, Simmons, Wells, White, Wooley.

The motion that the Rules be suspended to call **HB 198** out of position and placed upon its passage was adopted.

HB 198, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McKinney moved the adoption of Committee Amendment No. 1 to **HB 198.** Agreed.

Representative James moved that the House adjourn until 11:00 a.m., March 12, 1968.

On the roll call the vote was yeas 38—Akers, Alexander, Allen, Bleemel, Bowles, Brown, Clapp, Clark, Coffey, Cruse, Denham, Floyd, Hampton, Hardin, Henry, Hinkle, Huff, Hunt, James, Jones, Keith, Kessinger, King, Lankford, Lassiter, Louden, Maddox, McNamara, Melton, Robert L. Miller, Rattliff, Schmidt, Simmons, Smith, Wells, White, Wolchik, Wright. Nays 45—Arnett, Baker, Bamberger, Blandford, Blume, Blythe, Bruce, Cox, Curlin, J. A. Davis, DeMarcus, Halleck, Harper, Hoe, Hoffman, Holbrook, Irick, Isler, Johnson, Justice, Keene, Kidd, Lawson, McBrayer, McGill, McKinney, Mershon, C. R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Siemens, Tobin, Vanover, Walters, Wheeler, Wooley.

The motion to adjourn was defeated.

HB 198 (continued)

Orders of the Day (Cont.)

Representative Walters moved the Previous Question on **HB 198.**

Rejected.

Representative Simmons moved the adoption of the following Amendment No. 2 to **HB 198:**

Amend printed copy of House Bill 198 on page 12, line 24, by: adding the following:

"Section 13. If any certificated person goes on strike after a contract has been signed, the board may dismiss such a person and replace him permanently, and such a person shall not have the right of reinstatement at the end of the strike, any other provision of the Kentucky Revised Statutes notwithstanding."

Representative Cox moved that the House adjourn until 11:00 a.m., March 12, 1968.

Rejected.

On the roll call the vote was yeas 54—Alexander, Baker, Ball, Blandford, Blume, Blythe, Brown, Clark, Cruse, Curlin, Dawhare, DeMarcus, Denham, Floyd, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Huff, Hunt, Isler, James, Johnson, Keene, Keith, King, Lankford, Lassiter, Louden, Maddox, Massey, McBrayer, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Rattliff, Ray, Rickert, Russell, Schmidt, Siemens, Simmons, Tobin, Vanover, Webster, Wells, White, Wooley. Nays 23—Allen, Arnett, Bamberger, Bruce, Clapp, Halleck, Harper, Holbrook, Irick, Justice, Kessinger, Kidd, Lawson, McKinney, Melton, Morgan, W. J. Reynolds, Richey, Sartin, Saylor, Walters, Wesley, Wheeler.

Amendment No. 2 to **HB 198** was adopted.

Representative Clapp moved that the House adjourn until 11:00 a.m., March 12, 1968.

Rejected.

Representative Denham moved the adoption of the following Amendment No. 3 to **HB 198:**

Amend printed copy of House Bill 198 on page 12, line 24, by adding the following:

Section 14. The provisions of this Act shall become effective in a school district subject to the requirements of Section 14 of this Act. Each renewal of recognition shall likewise be subject to the provisions of Section 14.

Section 15. (1) The board shall certify the recognition of an association to the fiscal court of the county, or counties, in which the school district is located. The fiscal court shall by order or resolution approve the recognition within ten days following receipt of the certification.

(2) The order or resolution of the fiscal court approving recognition shall go into effect thirty days after its passage. If during the thirty days next following the passage of the order or resolution a petition signed by a number of registered and qualified voters equal to fifteen percent of the votes cast in the district for the office receiving the greatest total vote at the last preceding general election is presented to the fiscal court protesting against passage of the order or resolution, the order or resolution shall be suspended from going into effect until after the election referred to in subsection (3) of this section. Each sheet of the petition shall contain the names and addresses of voters. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. The board or boards of registration in the county shall give necessary and appropriate aid to the fiscal court so that the latter body may make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(3) If the petition contains the required number of qualified signatures the fiscal court shall submit to the voters of the district at the next regular election or called common school district election, either of which to be held not less than sixty nor more than one hundred and twenty days from the date of passage of said order or resolution, the question as to whether the professional negotiation association shall be recognized. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order or resolution shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order or resolution shall go into effect.

Representative Prather moved that Amendment No. 3 be laid on the Clerk's Desk.

Rejected.

Amendment No. 3 to **HB 198** was rejected.

Representative Blume moved the adoption of the following Amendment No. 4 to **HB 198:**

Amend printed copy of House Bill 198 on page 2, line 10, by: adding to line 10 the following words:

"For the purposes of this Act an association consists of administrators to the exclusion of teachers, or of teachers to the exclusion of administrators."

and on page 5, lines 14 to 25, by striking lines 14 to 25 and substituting therefor the following:

"(7) Administrators and teachers shall negotiate through separate associations."

Amendment No. 4 to **HB 198** was rejected.

Representative Blume moved the adoption of the following Amendment No. 5 to **HB 198:**

Amend printed copy of House Bill 198:

on page 3, line 18, by striking the words "a majority" and substituting therefor the words "the proportion"

and on page 3, line 19 by striking the period after the word "district" and adding thereto the following: "claimed in the affidavit."

and on page 4, line 7, by inserting before the word "challenges" the following: "Notice shall also be given by publication as set out in KRS Chapter 424."

and on page 4, line 8, by substituting a comma for the period after the word "board" and adding thereto the following: "or the date of last publication, whichever occurs later."

and on page 4, line 16, by adding the following: "If more than one request for recognition is received, the board shall recognize only an association which is proven to represent a majority of all certificated personnel in the district."

and on pages 4 and 5, lines 17 to 28 and 1 to 13, respectively, by striking all such lines and substituting therefor the following:

"(5) If the board receives more than one request for recognition it shall follow the procedure provided in Section 4 of this Act."

and on page 5 and 6, lines 26 to 28 and 1 to 3, respectively, by striking all such lines.

and on page 6, line 6, by substituting the numeral "(5)" for the numeral "(6)".

and on page 6, lines 9 to 11, by striking the words "determine the need for verification under subsection (6) of Section 3 of this Act, and".

and on page 8, line 12, by adding after the word "district" the words "and advertise".

on page 6, lines 15 and 16, by striking "signature cards that shall be completed by each of their members. Said cards shall contain" and substituting therefor the following: "voting cards upon which members shall indicate their association preference. These voting cards shall be enclosed in blank inner envelopes, which in turn shall be enclosed in outer envelopes on which the member shall fill in".

and on page 7, lines 2 through 11, by striking all matter and substituting therefor the following: "(2) The associations shall instruct each member to seal the voting card, which he has previously sealed in the inner blank and the outer information envelopes in a mailing envelope and mail it to the Superintendent of Public Instruction. The Superintendent, upon receipt of each voting card shall remove only the mailing envelope and place each voting card still sealed in its outer and inner envelope, in a locked box. On the thirtieth day after notification by the board that verification is required as stated in subsection (1) of this section, the Superintendent, in the presence of one observer from each association involved, shall remove the envelopes from the locked box. He shall accomplish verification, using the information on the outer envelope, in the following manner:"

and on page 7, line 12, by striking "cards" and substituting therefor the word "envelopes".

and on page 7, line 15, by striking "cards" and substituting therefor the word "envelopes".

and on page 7, lines 17 and 18, by striking all matter.

and on page 7, line 19, by striking "cards" and substituting therefor the word "envelopes".

on page 7, lines 21 through 24, by striking all matter and substituting therefor the following: "As each envelope is verified, the outer information envelope shall be removed, and the voting card in its blank inner envelope shall be placed in the locked box. When all envelopes have been verified, the Superintendent shall remove the voting cards from the box and from their inner envelopes and tally the preferences indicated. He shall not count the cards on which persons requested representation by more than one of the competing associations. He shall prepare a tabulation showing the vote from the counted cards and the total number of uncounted cards for each category described herein."

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions: Agreed.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Education: **SB 80.**

Agriculture and Natural Resources: **SB 138.**

Highways and Traffic Safety: **SB 139, SB 268, SB 338, SB 379, SR 52.**

Elections and Constitutional Amendments: **SB 143, SB 384.**

Judiciary: **SB 181, SB 182.**

Appropriations and Revenue: **SB 269, SB 392.**

Banking and Insurance: **SB 286, SB 382.**

Health and Welfare: **SB 342.**

State Government: **SB 361, SB 363, SB 388, SR 61, SB 383.**

Representative Wesley moved that the House adjourn until 11:00 a.m., Tuesday, March 12, 1968.

On the roll call the vote was yeas 40—Akers, Allen, Baker, Bamberger, Bleemel, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, DeMarcus, Denham, Floyd, Hampton, Hinkle,

Hoffman, Holbrook, Huff, Hunt, James, Jones, Keith, Lassiter, Louden, Maddox, Massey, May, Mershon, Mitchell, Rattliff, Sartin, Smith, Wells, Wesley, White, Wolchik, Wright. Nays 39—Arnett, Ball, Blandford, Blume, Bruce, J. A. Davis, Dawhare, Halleck, Hardin, Harper, Hoe, Irick, Isler, Johnson, Justice, Keene, Kessinger, Kidd, King, Lawson, McBrayer, McKinney, R. L. Miller, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Siemens, Tobin, Vanover, Walters, Webster, Wheeler, Wooley.

The motion to adjourn was adopted.

TUESDAY, MARCH 12, 1968

FIFTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend W. Robert Insko of the Church of the Ascension, Frankfort.

The roll was called. All present except Representatives Akers, Keene, Maddox, McCallum, McGill, C. R. Miller, Morgan, R. Reynolds, W. J. Reynolds, Russell, and Webster.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of March 11, 1968, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 104, by Representative Blandford: A RESOLUTION petitioning the United States Congress to amend the Uniform Time Act of 1966.

HR 105, by Representative King: A RESOLUTION requesting the Board of Trustees of the University of Kentucky to reconsider its decision regarding Northern Community College at Covington.

HB 619, by Representative King: AN ACT relating to wages and hours.

Report of Committees

The Committee on Health and Welfare reported **SR 53** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 53, A JOINT RESOLUTION commending the program of the Kentucky Volunteers for the Blind, Inc., and directing that state agencies cooperate with and assist the Kentucky Volunteers for the Blind, Inc.

WHEREAS, The Kentucky Volunteers for the Blind, Inc., a nonprofit corporation, is attempting to solve the educational and recreational needs of the blind people of Kentucky; and

WHEREAS, to carry out this purpose, The Kentucky Volunteers for the Blind, Inc., is providing Braille and tape recorded reading materials; personal services for blind people; and the development and distribution of scientific aids and devices for blind people of Kentucky; and,

WHEREAS, the above services are above and beyond services offered by any agency of the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Volunteers for the Blind be commended an dencouraged in its endeavor to serve blind people of Kentucky.

Section 2. That all agencies of the Commonwealth of Kentucky dealing with blind people be directed to cooperate with and assist The Kentucky Volunteers for the Blind whenever and wherever possible.

Section 3. That a copy of this resolution be set to Tim Cramner, Director of the Division of Services for the Blind, Dept. of Education, Bureau of Vocational Rehabilitation.

The Committee on Agriculture and Natural Resources reported **SB 138** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 138, AN ACT relating to the State Fair Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be composed of *ten* [nine] members, as follows:

(a) The Governor;

(b) The Commissioner;

(c) The Dean of the College of Agriculture of the University of Kentucky; and

(d) *Seven* [Six] members appointed from the state at large by the Governor with due consideration to geographical distribution throughout the state.

(2) The terms of the [present six] appointed members of the board shall be for four years, dating from the beginning of the terms for which they were respectively appointed, and until their successors are appointed and qualify. [, the beginning date being calculated as of December 12, 1944, for two of the terms, December 12, 1945, for two of the terms, and December 12, 1946, for two of the terms.] As the terms of each group of [two] members expire, the Governor shall appoint successors for terms of four years and until their successors are appointed and qualify. Beginning with the appointments to be made for the terms commencing December 12, 1948, one member of the first group of [two] successor members to be appointed shall be appointed from a list of six nominees consisting of three names from each of the two political parties polling the largest number of votes in the state at general elections submitted to the Governor by the governing body of the Kentucky Livestock Improvement Association, *and beginning December 12, 1968, one member of the first group shall be appointed from a list of six nominees so submitted by the governing body of the Kentucky State National Farmers Organization;* one member of the second such group shall be appointed from a list of six nominees so submitted by the governing body of the American Sadle Horse Breeders Association; and one member of the third such group shall be appointed from a list of six nominees so submitted by the governing body of the Kentucky Farm Bureau Federation. *It is the intention of the General Assembly that the political affiliation of the appointed members shall be as evenly divided as possible between* [The other member of each group of two successor members so appointed shall not be of the same political affilia-

tion as the appointee selected from the nominees submitted by the named organization, it being the intention hereof that of the six members so appointed by the Governor three shall be appointed from each of] the two political parties polling the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occuring shall be filled by the Governor, who shall appoint a person having the same required qualifications as the person who thereto fore held such office.

The Committee on Education reported **SR 17, SB 80, SB 62** and **HB 616** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 17, A CONCURRENT RESOLUTION directing the Legislative Research Commission to undertake a comprehensive study of the effectiveness of the provisions in the Kentucky Revised Statutes relating to special education programs.

WHEREAS, the education of the physically and mentally handicapped is of the utmost importance to all the citizens of the Commonwealth; and

WHEREAS, the citizens of the Commonwealth should provide the most effective educational program possible for the physically and mentally handicapped, so that they may make whatever contribution is possible to society;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission is hereby directed to undertake a comprehensive study of the effectiveness of the provisions in the Kentucky Revised Statutes relating to special education programs.

Section 2. That the Legislative Research Commission is directed to report its findings together with any recommenda-

tions it may make to the 1970 Regular Session of the General Assembly.

SB 80, AN ACT relating to teachers retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 161.620 is amended to read:

(1) The retirement allowance of a member retiring for service July 1, 1966, or thereafter whose age at retirement is sixty yars shall be determined by multiplying the prior service years by *fifty* [forty] dollars plus two percent of his annual salary in Kentucky for the years after July 1, 1941. The retirement allowance of a member whose age at retirement is less than sixty shall be reduced at the rate of five percent for each year that the member is less than sixty. Actuarial factors for use by the retirement system for all purposes shall be determined by the actuary of the retirement system and approved by the board of trustees.

(2) The retirement allowance of a member whose age as of July 1, 1966, is sixty-five or older shall be the larger as computed by the two methods hereinafter described: (a) applying the procedures as set forth in subsection (1) of this section or; (b) one percent of his average annual salary for prior service for each year of prior service credit plus one and three-fourths percent of his annual salary for the years after July 1, 1941, increased in accordance with the actuarial equivalents in use by the teachers' retirement system as of July 1, 1965.

(3) The retirement allowance of all teachers retired prior to July 1, 1964, shall be increased by: (a) the amount of ten percent or; (b) multiplying the total number of years of services by *fifty-five* [forty-five] dollars which ever is greater. Effective July 1, 1967, and annually on July 1, thereafter the annual retirement allowance of each retired teacher shall be increased in the amount of one percent of the retirement allowance in effect on July 1, 1967, or the date of retirement which ever occurs later.

(4) For any member retiring on or after July 1, 1955, no retirement allowance shall be greater than three-fourths of the annual salary unless such allowance shall result from the application of a statutory minimum.

(5) Any teacher qualifying for retirement shall be entitled to receive annual allowance amounting to not less than *fifty-five* [forty-five] dollars multiplied by the service credit years of the teacher.

(6) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries.

SB 62, AN ACT relating to school sessions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.060 is amended to read:

Twenty school days, or days in which teachers are actually employed in the schoolroom, shall constitute a school month in the common schools. The legal holidays designated by the State Board of Education to be observed shall be counted as school days. No teacher shall teach on Saturdays except in cases of emergency and then only upon authorization of the State Board of Education. Six hours of actual school work shall constitute a school day; *however, the State Board of Education may by regulation establish a shorter day for children of the lower eight grades in school systems that are on double sessions.* The daily session, including recesses and intermissions, shall not exceed nine hours. A pupil who is absent, excused or dismissed from any regular scheduled class to attend not more than four field trips in a school term may be considered in attendance on those days, if the field trip is part of a regular scheduled class; provided, however, that upon application of any district superintendent, the Superintendent of Public Instruction or the State Board of Education may, if sufficient cause be shown, grant authority to use an additional day or days for special field trips or exceptional events.

HB 616, AN ACT relating to urban renewal and redevelopment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 99.320 of the Kentucky Revised Statutes is amended to read as follows:

Any city of the second *or third* class, and its appropriate officers, boards or commissions, shall have all of the rights, powers, privileges, duties and obligations that are given to cities of the first class by KRS 99.010 to 99.310, and all things that are authorized to be done in, by or for cities of the first class, by those sections, may likewise be done in, by or for cities of the second *or third* class, subject to the same terms, conditions and restrictions. For this purpose, any powers or duties vested in a named officer, board or commission of a city of the first class, by those sections, shall be deemed to be vested in the corresponding officer, board or commission of cities of the second *or third* class.

The Committee on Education reported **HB 618** without expression of opinion.

The Committee on Appropriations and Revenue reported **SB 288,** with Committee Substitute attached thereto, and **SB 140,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 288, AN ACT relating to municipal electric plants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 96.820 of Kentucky Revised Statutes is amended to read as follows:

The state, each county, each school district, each municipality, and each other special taxing district in which any board operates shall each year be paid by such board from the proceeds of the sale of electric energy an amount in lieu of taxes which shall be the same amount as that determined by multiplying the book value of the property of the electric system located in each such jurisdiction as of the proceeding December 31 by the current tax rate of the jurisdiction. Liability for such payments shall attach on the first reporting date following acquisition of the electric utility by the municipality. "Book value" as used in this sec-

tion means the cost of tangible property plus additions, extensions and betterments less reasonable depreciation or retirement reserve, *and* [provided, however, that manufacturing machinery as interpreted by the Department of Revenue for franchise tax determination shall be excluded in the determination of book value for payments to local jurisdictions.] "Year" as herein used means the twelve-month period ending December 31. The book value so determined shall be in accordance with standard accounting practices and the books and records of the board shall be subject to inspection by the Department of Revenue and to being adjusted by it if found not to comply with the conditions herein stated. It shall be the duty of the utility board of each municipality, on or before March 31, 1967, and each year thereafter, to certify to the Department of Revenue the book value, as of December 31 immediately preceding, of the electric plant owned by the municipality in each taxing jurisdiction on said December 31. Upon the receipt of such certification of any utility board the Department of Revenue shall make such investigation and adjustment, hereinabove authorized, as it deems necessary, and no earlier than September 1 certify to the county court clerk and to the said board the book value basis for determining the amounts required to be paid taxing jurisdictions and to be included in resale rates by subsection (11) of KRS 96.570. The clerk shall promptly certify such value to the respective taxing jurisdiction. Such amounts for any year shall be paid to the taxing jurisdictions within thirty days from the date of the certification by the county clerk. Said taxing jurisdiction shall have a superior lien upon the proceeds of the sale of electrical energy for the amounts required by this section to be paid them. *Provided, however, for all taxing districts operating under this Act prior to the year 1965, the amount of payment to each taxing district each year in lieu of taxes shall be computed as follows: The percent of which the book value of all property, certified under this section for the current year, represents the book value of all property certified for the tax year 1965 shall be applied to the amount of in lieu of tax payment made to the taxing district for the year 1965, and the resulting total shall be paid to the taxing district for the current year. Provided further, that there shall be added to this total the amount produced by multiplying such*

portion of the amount of such payments for the tax year 1965 as is subject to percentage increases authorized under the provisions of KRS 132.027 and 160.470 by the total of such percentage increases exercised by the respective taxing districts.

Committee Substitute to **SB 288** is as follows:

Committee Substitute SB 288, AN ACT relating to municipal electric plants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 96.820 of Kentucky Revised Statutes is amended to read as follows:

The state, each county, each school district, each municipality, and each other special taxing district in which any board operates shall each year be paid by such board from the proceeds of the sale of electrical energy an amount in lieu of taxes which shall be the same amount as that determined by multiplying the book value of the property of the electric system located in each such jurisdiction as of the preceding December 31 by the current tax rate of the jurisdiction. Liability for such payments shall attach on the first reporting date following acquisition of the electric utility by the municipality. "Book value" as used in this section means the cost of tangible property plus additions, extensions and betterments less reasonable depreciation or retirement reserve, provided however, that manufacturing machinery as interpreted by the Department of Revenue for franchise tax determination shall be excluded in the determination of book value for payments to local jurisdictions. "Year" as herein used means the twelve-month period ending December 31. The book value so determined shall be in accordance with standard accounting practices and the books and records of the board shall be subject to inspection by the Department of Revenue and to being adjusted by it if found not to comply with the conditions herein stated. It shall be the duty of the utility board of each municipality, on or before March 31, 1967, and each year thereafter, to certify to the Department of Revenue the book value, as of December 31 immediately preceding, of the electric plant owned by the municipality in each taxing jurisdiction on said December

31. Upon the receipt of such certification of any utility board the Department of Revenue shall make such investigation and adjustment, hereinabove authorized, as it deems necessary, and no earlier than September 1 certify to the county court clerk and to the said board the book value basis for determining the amounts required to be paid taxing jurisdictions and to be included in resale rates by subsection (11) of KRS 96.570. The clerk shall promptly certify such value to the respective taxing jurisdictions. Such amounts for any year shall be paid to the taxing jurisdictions within thirty days from the date of the certification by the county clerk. Said taxing jurisdiction shall have a superior lien upon the proceeds of the sale of electrical energy for the amounts required by this section to be paid them. *Provided, however, for all taxing districts operating under this Act prior to the year 1965, the amount of payment to each taxing district each year in lieu of taxes beginning with the year 1968 shall be not less than the payment to such taxing district for the tax year 1965.*

SB 140, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.010 is amended to read:

As used in this chapter, unless the context otherwise requires:

(1) "Department" means the Department of Revenue.

(2) "Taxpayer" means any person made liable by law to file a return or pay a tax.

(3) "Real property" includes all lands within this state and improvements thereon.

(4) "Personal property" includes every species and character of property, tangible and intangible, other than real property.

(5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve months next preceding the date as of which an assessment is due

to be made shall be deemed to have intended to become a resident of this state.

(6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent per one hundred dollars of assessed value and applied to the *1968* [1966] assessment of the property subject to taxation by a taxing district for the *1967* [1965] tax year, produces an amount of revenue approximately equal to that produced in *1967* [1965].

Section 2. KRS 132.023 is amended to read:

(1) Notwithstanding any statutory provisions to the contrary, for *1968* [1966] and for all subsequent years, no taxing district, other than the state, counties, school districts, and cities, shall levy a tax rate which exceeds the compensating tax rate defined in KRS 132.010.

(2) For the *1968* [1966] tax year and for all subsequent years, the combined city and school tax rate provided for in KRS 132.150 shall be limited by the compensating tax rate defined in KRS 132.010.

(3) Notwithstanding the limitations contained in subsection (2) of this section, that portion of the combined city and school compensating tax rate prescribed in subsection (2) levied for school purposes may be increased by an amount within the limitations contained in KRS 160.470 (4) after compliance with subsection (4) (a) and (4) (b) of KRS 160.470.

(4) Notwithstanding the limitations contained in subsection (1) of this section, any watershed conservancy district which did not levy the maximum rate permitted by law in *1967* [1965] may levy such maximum rate after it has been reduced to the compensating tax rate as defined in KRS 132.010.

Section 2. KRS 132.027 is amended to read:

(1) *A city may levy a tax rate per each $100 of assessed property value which does not exceed the compensating rate defined in KRS 132.010; or 85c in a city having a population of 15,000 or more, 70c in a city having a population of less than 15,000 and not less than 10,000, and 40c in a city having a popu-*

lation of less than 10,000, which ever is greater subject to the limitations contained in subsection (2). [Notwithstanding any statutory provisions to the contrary, no city shall levy a rate which exceeds the compensating tax rate defined in KRS 132.010, except as provided in subsection (2) of this section.]

(2) Notwithstanding *any statutory provisions to the contrary, a city may levy a rate which exceeds the rate levied for the preceing year by no more than 5c per $100 of assessed property value, except that no city shall levy a rate exceeding the maximum applicable rate established in subsection (1). A city may levy a rate exceeding the rate for the preceding year* [the limitations contained in subsection (1) of this section, any city which deems that it will require a rate greater than that permitted in subsection (1) may levy a rate which does not exeed the rate prescribed in subsection (1) by more than ten percent for each of the two taxable years subsequent to December 16, 1965,] after compliance with the notice and hearing provisions contained in KRS 68.240 and 68.245. The applicable city governmental unit shall give the required notice and conduct the hearing; and in the event there is no newspaper of general circulation, said notice shall be posted on the door of the city administrative building.

Section 3. KRS 68.245 is amended to read:

(1) Notwithstanding any statutory provisions to the contrary, no county budget commission shall submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the preceding year's rate to the preceding year's assessment, exclusive of voted levies and net assessment growth, except as provided in subsection (3) of this section.

(2) The State Local Finance Officer shall certify to each county budget commission, by June 1 of each year, the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The State Local Finance Officer shall determine the total amount of local ad valorem tax revenue which would be produced by application of the preceding year's rate to the preceding year's assessment.

(b) The State Local Finance Officer shall determine the total amount of local ad valorem tax revenue which would be produced by application of the preceding year's effective county rate to the net assessment growth in each county. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the State Local Finance Officer by the Department of Revenue by May 20 of each year.

(c) The sum of the amounts computed under subsections (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (1) of this section, except as otherwise therein prescribed.

(3) Notwithstanding the limitations contained in subsection (1) of this section any county budget commission which, in preparing the proposed budget, deems that it will require an amount of revenue from ad valorem taxes greater than that permitted in subsection (1) may submit to the levying authority [for the tax years 1966 and 1967] a budget which could require an increase in such revenue *by the application of an additional rate not exceeding 3c per $100 of assessed property value for each year until a maximum rate of 25c per $100 of assessed property value or the compensating rate whichever is greater, is reached* [of not more than ten percent] after compliance with the following:

(a) The county budget commission shall give notice to any proposed increase in revenue. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, *as provided in KRS Chapter 424,* [at least one time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper,] the fact that said increase of *the rate* not exceeding *five cents* [ten percent] is being proposed. Said advertisement shall state that the county budget commission will meet at a place and on a day fixed in the advertisement, not earlier than one week and not later than two weeks from the date of the advertisement for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposals.

(b) The county budget commission shall conduct a public hearing at the place and on the date advertised for the purpose

of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.

Section 4. KRS 160.475 is amended to read as follows:

(1) The ad valorem tax levy for school purposes, other than sinking fund purposes, in each school district, shall be not less than [twenty five cents annually on each one hundred dollars of the property subject to local taxation] *the rate necessary to provide the required local tax effort under KRS 157.380* nor more than *90c* [one dollar and fifty cents] annually on each one hundred dollars of property subject to local taxation.

(2) Notwithstanding the provisions of subsection (1) of this section, the rate for any school district during the 1968-69 fiscal year shall not exceed five cents above the larger of the rate calculated in compliance with the provisions of subsections (2) and (3) of KRS 160.470 or five cents above such amount upon qualification under provisions of subsection (4) of KRS 160.410 for the 1967-68 fiscal year; and for years subsequent thereto, the tax rate shall not exceed five cents above the rate for the next immediately preceding year and shall in no event exceed the maximum rate established in subsection (1) of this section. All tax rates under this section shall be rounded to the nearest one cent.

[(2)] *(3)* The board of education of any district may request the levy of poll tax, not exceeding two dollars on each male inhabitant within the district over twenty-one years of age who is not exempt by law from payment of poll tax.

[(3)] *(4)* All existing subdistrict school tax levies, except those required to retire voted bonds, are hereby abolished.

Section 5. KKRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the State Board of Education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation

of property subject to local taxation in the school district furnished as provided in subsection (3) of KKRS 160.460, an estimate made by the Department of Revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

[(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the preceding year's rate to the preceding year's assessment, exclusive of voted levies and net assessment growth as defined in KRS 132.425, except as provided in subsection (4) of KRS 157.380 and as provided in subsection (4) of this section. In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.]

[(3) The Superintendent of Public Instruction shall certify to each district board of education, by June 1 of each year, the maximum permissible local ad valorem tax revenue. This shall be computed as follows:]

[(a) The Superintendent of Public Instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the preceding year's rate to the preceding year's assessment.]

[(b) The Superintendent of Public Instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the preceding year's effective tax rate to the net assessment growth in each school district. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the Superintendent of Public Instruction by the Department of Revenue by May 20 of each year.]

[(c) The sum of the amounts computed under (a) and (b) of this subsection shall be the maximum permissible local

ad valorem tax revenue for purposes of subsection (2) of this section, except as otherwise therein prescribed.]

[(4) Notwithstanding the limitations contained in subsection (2) of this section, any district board of education which is preparing its proposed budget deems that it will require an amount of revenue greater than that permitted in subsection (2) may submit to the levying authority for the school years 1966-67 and 1967-68 a budget which could require an increase in such revenue which could require an increase in such revenue of not more than ten percent after compliance with the following:]

(2) After compliance with the following, a local school district board of education may request the tax rate and levy authorized in subsection (2) of KRS 160.475:

(a) The district board of education shall give notice of any proposed increase in [revenue] *tax rate.* Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, *as provided in KRS Chapter 424,* [at least one time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper,] the fact that said increase of not exceeding ten percent is being proposed. Said advertisement shall state that the district board of education will meet at a place and on a day fixed in the advertisement, not earlier than one week and not later than two weeks from the date of the advertisement, for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.

(b) The district board of education shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.

(3) [(5)] Three copies of the budget shall be filed with the clerk of the tax levying authority of the district within three days after the district board of education has received its assessment data. The clerk shall present the budget to the proper tax levying authority when the authority convenes to fix its school levy. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

(4) [(6)] Within three days after the tax levy authority has fixed the tax rate, the district board of education shall forward two copies of the budget to the State Board of Education for its approval or disapproval. The budget shall be disapproved if it is financially unsound or fails to provide for (a) payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the State Board of Education, or (b) payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of the [independent school district school district or county] school district [, as the case may be, by the appropriate city or county] as authorized and provided under the provisions of KRS 162.120 to 162.300, with the written approval of the State Board of Education, or fails to comply with the law; and the State Board of Education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval.

(5) [(7)] If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective until approved by the State Board of Education.

(6) [(8)] Each district board of education shall, if required by the State Board of Education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the State Board of Education, and which shall be consistent in its major divisions with the general school budget previously prepared.

Section 6. KRS 157.380 is amended to read as follows:

(1) On or before [July 1] *January 1* of each year the Department of Revenue shall determine the aggregate [assessed] *fair cash* value of all property subject to assessment for school tax purposes, and shall determine the percentage the [equalized]

fair cash value of property in each district is of the total [equalized] *fair cash* value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each *school* district *for the school year beginning on the following July 1.* [In school districts where the required local tax effort includes assessments on which tax payments may be legally deferred, the local district board of education may request the State Board of Education to adjust the assessment of such property in order to reduce the required local tax effort during any year in which the estimated taxes to be received are at least fifteen percent less than the taxes that would be received if tax payments were on a current basis. Upon receipt of such request, the State Board of Education shall ask the Department of Revenue to vertify the fact that the request is reasonable and that on the basis of the best information available, the taxes to be received will be at least fifteen percent less than the taxes that would be received is payments were on a current basis. If the request is approved by the State Board of Education and the Department of Revenue, the following procedure shall be followed by the Department of Revenue in adjusting assessments on such property for purposes of this section:

(a) Determine the revenue the district can reasonably expected to receive from tax payments on property on which deferred tax payments are permitted by law.

(b) Calculate the adjusted assessed valuation of property to be used for purposes of this section by dividing the revenue the district expects to receive by the local tax rate in dollars and multiply the quotient by 100.

(c) Differences between estimated and actual receipts in any fiscal year shall be carried forward to the next fiscal year and reflected in the receipts for that year in calculating adjusted assessments for property subject to deferred tax payments.

(d) An accurate record of adjusted assessments shall be kept from year to year in order that the local school district may be put on an actual assessment basis as soon as possible for purposes of this section.

(2) If such assessment has not become final by July 1 of

any year, the Department of Revenue shall, on the basis of other information as may be available, make an estimate of the assessment of all property subject to local school tax in each school district and the estimate shall be used in lieu of the aggregate assessed value.

(3) Except as provided in subsection (1) of this section, in determining the required local tax effort for districts which participate in the public school foundation program fund, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes by one hundred and multiply the quotient thereof by one dollar and ten cents for the fiscal year 1965-66, provided, however, for the fiscal year 1966-67 and each year thereafter, the aggregate required local effort for all the school districts shall be increased or decreased by the percentage the aggregate net assessment growth as defind in KRS 132.425 is of the preceding year's total equalized value of all property subject to taxation for school purposes. The product thereby obtained shall be multiplied by each district's percentage of the total equalized value of all property in the Commonwealth subject to taxation for school purposes.]

(2) *The Superintendent of Public Instruction shall, in determining the required local tax effort for districts participating in the Foundation Program fund, divide the aggregate fair cash value of all property in the Commonwealth subject to taxation for school purposes by one hundred and multiply the quotient thereof by thirty-three and four tenths cents (33.4). The product thereby obtained shall be multiplied by each district's percentage of the total fair cash value of all property in the Commonwealth subject to tax for school purposes.*

[(4)] *(3)* Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

Committee Amendment to **SB 140** is as follows:

Amend printed copy of Senate Bill 140:

on page 5, line 11, by substituting for the words *"compensating rate"* the words *"compensating tax rate as defined in KRS 132.010"*.

and on page 6, lines 10 and 11, by substituting for the words *"compensating rate"* the words *"compensating tax rate as defined in KRS 132.010"*.

The Committee on Labor and Industry reported **SB 171** and **SB 260** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 171, AN ACT relating to Workmen's Compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.375 of the Kentucky Revised Statutes is amended to read as follows:

Every policy or contract of workmen's compensation insurance under this chapter, issued or delivered in this state, shall cover the entire liability of the employer for compensation [under this chapter] to every one of his employees *subject to this chapter* [covered by such policy], except as otherwise provided in KRS 342.345. *However, if specifically authorized by the director, a separate insurance policy may be issued for a specified plant or work location if the liability of such employer under this chapter to all his other employees subject to this chapter is otherwise secured.* [, regardless of whatever other contingencies may be insured or provided for by riders attached thereto or endorsements made thereon. On the face of every such policy shall be printed conspicuously the words, "insurance under this policy is in class (designating the class) of the company's workmen's compensation classification manual." In the blank provided the number of other designation in the manual under which the policy is written shall be placed before the policy is isued. If more than one class of risk is covered by the same policy, the separate risks and their corresponding manual classifications shall be in the same manner.]

Section 2. Section 342.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Election to operate under this chapter shall be effected by the employer by filing with the board the following notice:

"(Name of employer" elects to operate under the Workmen's Compensation Law (KRS Chapter 342). This election is effective as of the day of _____ [and covering (Here insert name of industry, business or operation on which election is made.)]"

(2) In addition [to the name of each industry, business or operation as to which such election is filed there shall also be stated in the notice with reference thereto:] *each employer shall at the time of filing notice furnish the following information:*

(a) Its location and address of chief office;

(b) Average number of employees during preceding twelve months;

(c) Kind of business being conducted; and

(d) Method of securing payments of compensation to employees that the employer elects to adopt.

(3) The notice shall be in writing signed by the employer, if an individual, by any partner, if a partnership; or by the chief officer or agent within this state, if a corporation.

(4) The notice or a copy thereof certified by an authorized representative of the board may be used as evidence in any action by or against the employer in any court of this state of the facts therein shown and that the employer has elected to operate under this chapter.

SB 260, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 342.245 is amended to read:

The board shall fix and adopt, in regulations published by the board, at least one day of the week on which regular meetings shall be held *bi*-weekly for the transaction of all business. A quorum of the board shall be present at its main office and remaining at the office, or available thereto, during regular working hours on the days designated. When necessary the chairman shall call the board together at any time during busi-

ness hours on any other day to consider and transact any business before it. All proceedings of the board shall be recorded in a keep kept for that purpose by the director, which shall constitute a public record and shall contain an entry of each case, claim or proceeding considered, heard or passed upon by the board or a member thereof, with the award, findings or decisions made thereon.

The Speaker announced that **HB 286** was referred to the Committee on State Government instead of the Committee on Banking and Insurance.

Calendar

SB 64, SB 164, HB 43, HB 244, HB 491, HB 513, SB 141, HB 368, HB 369, SB 203, SB 344, HB 275, HB 572, HB 516, HB 602, SB 232, SB 233, SB 223, SB 218, SB 385, SB 124, SB 125, SB 284, SB 364, SB 321, SB 322, SB 333, SB 349, SB 365 and **SB 372** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Counties and Special Districts reported **SB 279, SB 275, SB 160** and **HB 514** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 279, AN ACT relating to area planning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 147.660 of the Kentucky Revised Statutes is amended to read as follows:

(1) The area planning commission created hereunder,

when accepted by the cities and counties affected as provided for herein, shall then be a political subdivision and shall be in perpetual existence, with power to sue and be sued, contract and be contracted with, incur liabilities and obligations, levy an annual tax, which shall not exceed more than five cents upon each one hundred dollars of the assessed valuation of property within the counties affected, to be used for the purpose of defraying all expenses necessary and incidental to carry out the continuing activities of the area planning commission. This tax shall be certified to the auditors and county clerks of the various counties and by them to the respective treasurers of the counties, signator to the contract provided for in KRS 147.620. The tax shall be based upon the last preceding assessment for state and county purposes [,] . *I* [i] ts collection shall *be imposed upon all property within the counties participating and shall* conform to the collection of taxes for counties and the same provisions concerning the non-payment of taxes shall apply. The tax shall be added by the county clerk to the next state and county tax bill following the levy of the tax by the area planning commission, and shall be collected concurrently with state and county taxes. The sheriff shall be allowed a fee not to exceed four percent for collection.

(2) In the performance of its duties, the area planning commission may cooperate with, contract with, or accept funds from federal, state, or local public or semipublic agencies, or private individuals or corporations [,] *within or without the Commonwealth,* may expend such funds and may carry out such cooperative undertakings and contracts.

Section 2. Section 147.670 of the Kentucky Revised Statutes is amended to read as follows:

(1) To effectuate the purposes of KRS 147.610 to 147.710 the area planning commission shall have the power and duty to:

(a) Establish a master plan of the entire area within its jurisdiction, *which includes all territory incorporated and unincorporated within the counties signator hereto,* or portions thereof, which may include any part or all of the plans set out in KRS 147.659. The master plan shall include studies of the population and the economy of the area of jurisdiction of the area planning

commission and shall include proposals for future land use, major streets, highways, and other public grounds, places and buildings for all or part of that area;

(b) Appoint an executive director for the commission and fix his compensation. The director shall be qualified by training and experience in the field of planning and zoning;

(c) Prepare a text consisting of general minimum standards or requirements for zoning, along with necessary map or maps pertaining thereto, and prepare a text and necessary graphics of minimum subdivision regulations, which shall be applicable throughout the jurisdiction of the area planning commission, which includes all territory incorporated and unincorporated within the counties signator hereto. After their preparation and adoption according to the provisions of KRS 147.690, these zoning requirements and subdivision regulations shall be certified to the counties comprising the area of the commission, and to each city and planning commission and all special districts located therein. A copy shall be placed on file in the office of the county clerk of each of said counties. [Establish a land use plan of the entire area under its jurisdiction or portions thereof, if it deems it necessary. The area land use plan may include the zoning plans now adopted by the various cities affected, but shall include a map of the entire area of its jurisdiction showing the land use districts into which it is divided. It shall prepare a text consisting of general minimum standards or requirements for those zones. The text and portion of the map pertaining to the jurisdiction of each governmental unit in the area planning commission shall be presented to the legislative bodies of the various governmental units with the recommendation that they be adopted by ordinance or order. Provided, however that any governmental unit under the jurisdiction of the area planning commission may adopt more strict regulations or impose higher standards of land use than adopted by the land use plan;]

(d) Prescribed the qualifications of, appoint, remove and fix the compensation of employes of the commission;

(e) Prepare, publish and distribute reports and other material relating to the business of the commission;

(f) Prepare and submit an annual budget for the operation of the commission;

(g) Exercise general supervision of and make regulations for the administration of the affairs of the commission;

(h) Prescribe uniform rules pertaining to investigations and hearings;

(i) Keep an accurate and complete record of all commission proceedings, financial statements, and annual report to the various cities and counties signators to the agreement provided in KRS 147.620.

Section 3. Section 147.700 of the Kentucky Revised Statutes is amended to read as follows:

After a public hearing has been held the commission may adopt the master plan or portion thereof, or any amendment thereto, and certify it to the *counties comprising the area of the commission, to each city located therein, and to each, planning commission and all special districts located therein.* A [various cities and counties, signators to the agreement provided for in KRS 147.620, one] copy of *the master plan* [which] shall be placed on file in the office of the county clerk of each of said counties.

Section 4. A new section of KRS Chapter 147 is created to read as follows:

Before any minimum zoning resolutions or minimum subdivision regulations which have been adopted under KRS 147.670 can take effect, an area board of adjustment of seven members shall be elected by the area council. These members shall not be members of the area council on the area planning commission, nor hold any elected or appointed public office, but shall be residents within the jurisdictional area of the area planning commission. The members shall be elected for a term of four years, except for the initial membership, which shall be composed of two members elected for a team of four years, two members elected for a term of three years, two members elected for a term of two years and one member elected for a term of one year. All members shall qualify by taking the oath of office

prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky. Vacancies may be filled at any time by action of the area council. Members may be removed for cause by action of the area council. Each member shall receive compensation not to exceed twenty dollars per day for each day the area board of adjustment is in regular or special session provided that the total annual compensation of any member shall not exceed five hundred dollars. Expenses for the area board of adjustment shall be budgeted, funded and approved by the area planning commission.

Section 5. A new section of KRS Chapter 147 is created to read as follows:

The area board of adjustment shall conduct regular meetings as it deems necessary for the transaction of its business. At its first regular meeting in each year, the board shall elect from its membership a chairman and a vice-chairman, who shall have the authority to act as chairman during the absence of the chairman. Five members shall constitute a quorum. Any member who has any direct or indirect financial interest in the outcome of a motion before the board shall disqualify himself at the beginning of discussion of such motion. The board shall keep accurate minutes and records of its meetings and proceedings.

Section 6. A new section of KRS Chapter 147 is created to read as follows:

The area board of adjustment is empowered to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The chairman of the board is empowered to administer an oath to witnesses prior to their testifying before the board.

Section 7. A new section of KRS Chapter 147 is created to read as follows:

Appeals to the area board of adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolutions. Appeals may

be taken by any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning resolution. The time within when such appeal must be made, and the form or other procedure relating thereto, shall be as specified in the adopted area zoning resolution. Application to the board shall constitute consent to examine the property in question. If a hearing is granted by the board on any matter, notice of the hearing shall be published by the board at least ten consecutive calendar days prior to the date of the hearing in a newspaper of general circula- in each of the counties within the jurisdictional area of the board, stating the time and place of the hearing. To reverse any order, requirement, decision or determination of any administrative official, agency, or commission or to decide in favor of the appellant, the concurring vote of five of the seven members of the board shall be required.

Section 8. A new section of KRS Chapter 147 is created to read as follows:

The area board of adjustment is specifically empowered to grant dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning resolution or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but no population density) of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The board may impose any reasonable conditions or restrictions on any variance it decides to grant. The board shall not grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to allow a conditional use that is or is not set forth in a given zone, or to alter density requirements in the zone in question. A dimensional variance applies to the property for which it is granted and not to the individual who applied for it. A variance also runs with the land and is transfer-

able to any future owner of the land, but it cannot be transferred by the applicant to a different site.

Section 9. A new section of KRS Chapter 147 is created to read as follows:

Before any variance is granted, the area board of adjustment must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

(1) The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.

(2) The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

(3) That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.

(4) Reasons that the variance will preserve, not harm the public health, safety, and welfare, and shall not alter the essential character of the neighborhood.

Section 10. A new section of KRS Chapter 147 is created to read as follows:

Appeals from the area board of adjustment shall be taken to the circuit courts in the same manner as appeals are taken from the action of the area planning commission as provided for in KRS 147.710.

Section 11. A new section of KRS Chapter 147 is created to read as follows:

The legislative bodies of all counties forming the area planning commission, all cities, all special districts, planning and zoning commissions and boards of adjustment located therein, shall, after the final adoption, approval ,or enactment of any

annexation ordinance, subdivision plat, variance, zoning ordinance or resolution or subdivision regulation, furnish or cause to be furnished, within sixty days after adoption or approval, a copy of same to the area planning commission in order that the master plan as provided for under KRS 147.670 can be updated effectively.

SB 275, AN ACT relating to county judges.

WHEREAS, the value of the dollar in 1968 has shrunk over 70% since 1949, and prices, wages, and services have risen in cost accordingly; and

WHEREAS, the cost of living still continues in a dramatic rise, thus adversely affecting the purchasing power of the dollar in a year of war effort; and

WHEREAS, county judges have many more duties imposed on their office by statute since 1949, especially in the 1962, 1964 and 1966 sessions of the General Assembly; and

WHEREAS, the crime wave and juvenile delinquency are on the increase, court cases are further increased, adding to the burden of the judge, who is also administrative manager; and

WHEREAS, in larger counties the judge serves on the Board of managers of hospitals, Boards, and other joint city-county boards, thus increasing further his responsibility and duties; and

WHEREAS, immediate assistance in the form of more compensation is needed by county judges starting calendar year 1968;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.535 of KRS is amended to read as follows:

(1) The county clerk, circuit clerk, [county judge] sheriff, county attorney, and jailer of each county shall receive an annual salary of $9,600 to be paid solely out of the statutory fees and salaries received by him during the calendar year.

(2) The county judge shall receive an annual salary of $11,900.00 to be paid solely out of the statutory fees and salaries received by him during the calendar year.

Section 2. *It is the intent of this Act that a crisis exists in the judicial field; therefore, this act shall include all of the calendar year 1968 for determination of payment of salary and/or fees.*

The limit of $11,900.00 shall not bar the fiscal court of each county from paying additional compensation to the county judge, for the imposition of additional statutory duties; if compensation for such duties are permitted by statute.

SB 160, AN ACT relating to City-County Metropolitan Sewer Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 76.080 of the Kentucky Revised Statutes is amended to read as follows:

The district created under the provisions of KRS 76.010 to 76.210 is empowered:

(1) To have jurisdiction, control, possession, and supervision of the existing sewer and drainage system of such city of the first class; to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system; to make additions, betterments, and extensions thereto within the district area; and to have all the rights, privileges, and jurisdiction necessary or proper for carrying such powers into execution. No enumeration of powers in KRS 76.010 to 76.210 shall operate to restrict the meaning of this general grant of power or to exclude other powers comprehended within this general grant.

(2) To prepare or cause to be prepared and to be thereafter revised and adopted, plans, designs, and estimates of costs, of a system of trunk, intercepting, connecting, lateral, and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works, and all other appliances and structures which in the judgment of the board will provide an effective and advantageous means for relieving the

district area from inadequate sanitary and storm water drainage and from inadequate sanitary disposal and treatment of the sewage thereof, or such sections or parts of such system of the district area as the board may from time to time deem proper or convenient to construct, consistent with the plans and purposes of KRS 76.010 to 76.210, and is authorized and empowered to take all such steps as the board may deem proper and necessary to effect the purposes of KRS 76.010 to 76.210.

(3) To construct any additions, betterments and extensions to the facilities of the District, *within or without the district area, and to construct any construction subdistrict facilities or additions, betterments and extensions thereto, within or without the district area,* [in the district area] by contract or contracts, or under, through, or by means of its own officers, agents and employees. No construction or extensions shall be started within the city of the first class until, firstly, the city's director of works, and secondly, its board of aldermen have approved the plans. No construction or extensions shall be started in any city of *the second, third or fourth class* [less than the first class, drainage district, or other political subdivision in the district area] until the governing authorities of *such city or cities* [the political subdivision] have approved the plans. No construction or extensions shall be started in any other part of the county until the plans have been approved, firstly, by the county engineer and secondly, by the fiscal court.

(4) To establish, construct, operate, and maintain, as a part of the sewer and drainage system of the district, sewage treatment and disposal plants and systems and all the appurtenances and appliances thereunto belonging. Such sewage treatment and disposal plants may be located in the city, or beyond the limits of the city in the county in which the city is located, as the board may deem expedient.

(5) To acquire and hold such personal property as the board may deem necessary and proper for carrying out the corporate purposes of the district and to dispose of personal property when the district has no further need therefor.

(6) To acquire by purchase, gift, lease, or by condemnation, such real property or any interest, right, easement, or privi-

lege therein, as the board may determine necessary, proper and convenient for the corporate purposes of the district, and to use the same so long as such corporate existence shall continue, and same is necessary or useful for the corporate purposes of the district. Condemnation proceedings may be instituted in the name of the district pursuant to a resolution of the board declaring the necessity for the taking, and the method of condemnation shall be the same as provided in KRS 416.120. When the board by resolution declares that any real property which it has acquired, or any interest therein, is no longer necessary or useful for the corporate purposes of the district, such real property and interest therein may be disposed of.

(7) To make bylaws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges, which sewer rates, rentals and charges, applicable within the limits of a city of the first class, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.

(8) To make contracts and execute all instruments necessary or convenient in the premises.

(9) To borrow money and to issue negotiable bonds and to provide for the rights of the holders thereof.

(10) To fix and collect sewer rates, rentals, and other charges, for service rendered by the facilities of the district, which sewer rates, rentals, and other charges, applicable within the limits of a city of the first class, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.

(11) To enter on any lands, waters and premises for the purpose of making surveys, and soundings and examinations.

(12) To approve or revise the plan and designs of all trunk, intercepting, connecting, lateral and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works proposed to be constructed, altered or reconstructed by any other person or corporation, private or public, in the whole county, *in order to insure that such proposed con-*

struction, alteration or reconstruction shall conform to and be a part of a comprehensive sewer and drainage system for the said county. No such sewers, drains, pumping *and* [or] ventilating stations, or disposal *and* [or] treatment plants or works shall be constructed, *altered* or reconstructed without approval by the board of the district. Any such work shall be subject to inspection and supervision of the district.

Section 2. Section 76.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The district may establish a schedule of rates, rentals, and charges, to be collected from all the real property within the district area served by the facilities of the district, and prescribe the manner in which and the time at which the rates, rentals, and charges are to be paid, and may change the schedule from time to time as the district deems necessary, advisable or expedient. The schedule may be based upon either, (a) the consumption of water on premises connected with the facilities, taking into consideration commercial and industrial use of water; or (b) the number and kind of plumbing fixtures connected with the facilities; or (c) the number of persons served by the facilities; or (d) may be determined by the district on any other basis or classification which the district determines to be fair and reasonable, whether similar or dissimilar to those enumerated; or (e) any combination thereof. This schedule may include additional charges for treatment of sewage, with a surcharge where the sewage contains industrial wastes or other wastes in excess of limitations established by regulations of the district.

(2) Prior to the final adoption or modification of the schedule for the district area, the district shall adopt a proposed schedule and publish notice thereof pursuant to KRS Chapter 424. The notice so published shall be dated as of the date of first publication thereof and shall state that the proposed or revised schedule of rates, rentals, and charges will remain open for inspection in the office of the district for thirty days from the date of the notice, and that objections thereto in writing may be filed during that period with the district by any person aggrieved thereby. The district shall examine and hear any and all complaints, may modify the proposed schedule, and shall adopt and establish a final

schedule within sixty days after the date of the notice; the schedule however shall not become final within a city of the first class, unless and until it has received the approval of the legislative body of the city of the first class by ordinance approved by the mayor; provided, however, the schedule finally adopted shall be sufficient and adequate to cover the purposes of the chapter. The schedule shall be uniform for all property falling within the same classification, which classification may be based upon the length of time the property has been in the district area, the drainage area within which the property lies or any similar or dissimilar reasonable classification. The schedule so adopted and established shall thereafter be the rates, rentals and charges for the use of the facilities of the district by users within the district area, until changed in the manner herein provided. The schedule of rates, rentals, and charges shall be established and revised from time to time so as to produce aggregate revenues to the district sufficient (a) for the payment of the interest on and principal of all revenue bonds and other obligations of the district except construction subdistrict obligations and bonds; (b) for the payment of all cost and expenses of operating and maintaining the sewer and drainage system of the district within the district area, including but not limited to that portion of the salaries, wages, and fees of all officers and employes of the district equitably allocable to operations within or for the district area; and (c) for the payment of all cost of renewals and replacement of such system within the district area; provided however, that all expenses, salaries, wages, and fees necessary or incident to improvements for the account of which bonds are issued, may be included as a part of the cost of the improvements and paid from the proceeds and the bonds. The district may collect the sewer rates, rentals, and charges, or cause them to be collected and paid to it by agencies it designates, and with whom it may make such contracts or arrangements as the district deems proper. No monies received on account of the existence or operation of construction subdistricts shall be used for the payment of district obligations, and no other monies received by the district shall be used for the payment of construction subdistrict bonds or obligations. Except as provided in the preceding sentence the use of all monies of the district received from any and all sources is hereby limited ex-

clusively and shall be devoted solely to the payment of all obligations of the district and board created by KRS 76.010 to 76.210, and no funds from any sources authorized by KRS 76.010 to 76.210, shall be diverted to any other purposes than those in KRS 76.010 to 76.210 set forth, except that the district shall pay from district area revenues an equitably allocable share of the cost of constructing and operating any non-district area facilities to which sewage from the district area is diverted in order to relieve from excessive sewage and cost described in KRS 76.248 but otherwise paid for.

(3) Whenever an area located within the district is served initially by a construction subdistrict facility, the schedule of rates, rentals and charges applicable to the particular construction subdistrict shall, at the discretion of the board, be applied to the area.

(4) [(3)] Whenever any such sewer rates, rentals or charges for services rendered remains unpaid for a period of thirty days after the same becomes due and payable, the district shall declare the property, the owner thereof, and the user of the service, delinquent until such time as all service rates, rentals and charges are fully paid and may cut off the sewer connection and service. It is unlawful for any delinquent to use water from any public water service or system and discharge same into a public sewer. No public water service or system shall furnish the delinquent with water to be discharged into a public sewer. The district may enter into agreements with any public water company or public water service providing for the discontinuance of water service to delinquents.

Section 3. Section 76.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The initial unit of the district embraces the area that is coterminous with the boundaries of the city of the first class. The district also embraces the district area as defined in KRS 76.005. When territory which is part of a construction subdistrict is annexed to the city of the first class, that territory shall not become part of the district area during the existence of the construction subdistrict. When the existence of the construction subdistrict is wound up under KRS 76.271, the territory therein

shall become a part of the district area if it is then a part of the city of the first class or whenever it is annexed by the city of the first class. When a construction subdistrict consisting of territory outside the city of the first class is wound up, the board of the district shall incorporate such territory into the district area under conditions of KRS 76.271. The district may also expand the district area by constructing and extending its initial sewer and drainage system and facilities beyond the corporate limits of such city of the first class and within the county in which such city is located whenever the district and the owner or owners of real property to be served and located outside the limits of such city, by appropriate written instrument, agree as to apportionment of any and all costs of construction work, subsequent maintenance and operation appertaining thereto, and as to payments by the owner or owners of such real property, of rates, rentals and charges for the services and facilities to be thus afforded and for that portion of the district's capital costs, equitably allocable to such real property. Thereupon such real property served becomes a part of the district area. In a like manner and upon the same conditions, the district may construct and extend its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the district and such other city or incorporated area approved by their respective governing boards or bodies; *provided, however, nothing in this paragraph shall be construed as requiring the district to obtain the consent of any city of the fifth or sixth class prior to constructing any sanitary or storm sewerage facilities within the limits of such a city, regardless of whether said facilities will serve the said city or not.* All such agreements referred to in this section shall be in appropriate form for recording and shall be filed of record with the county clerk as other instruments relating to transfer or creating a lien upon real estate. Any such agreements entered into by the district pursuant to this section may provide that the district area shall include the real estate in such city or incorporaed area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the district area shall be thereby officially enlarged and extended so as to include

same. Provided, however, the district area shall not be enlarged to include a construction subdistrict by agreement or otherwise.

(2) The district may also expand the district area by constructing and extending its initial sewer and drainage system, or by constructing or extending new sewerage and drainage systems and facilities, into areas of the county outside of the city of the first class and annexing the areas to be served by such new or expanded systems or facilities to the district area, as provided in Section 5 of this Act.

(3) [(2)] The words "incorporated area" as used in this section, shall not mean or apply to any sanitation district organized under KRS Chapter 220.

(4) [(3)] The provisions of this section shall not apply in cases involving annexation by a city of the first class pursuant to KRS 81.300 to 81.360.

Section 4. Section 76.172 of the Kentucky Revised Statutes is amended to read as follows:

(1) The ordinance providing for the construction of sewerage or drainage facilities and appurtenances shall describe the nature and kind of facilities to be furnished and shall describe the particular area benefited by said sewerage or drainage facilities.

(2) The costs of the sanitary sewers, combined sewers, drains, and appurtenances shall be assessed against the land in said benefited area according to the number of square feet in any lot or tract within the area described in the ordinance, *or according to any other equitable basis.* [but on any sewer or drain greater in size than ten inches in diameter, the percentage of cost to be paid by the owners of property in said assessment area shall not be greater than the estimated cost of a sewer ten inches in diameter on the same slope, at the same dpth, and of the same materials as the sewer or drain constructed.] *If the square foot method of assessment is used, the* [The] rate of apportionment shall be the same for each square foot of land in said benefited area, and shall be determined by dividing the cost of the assessable sanitary sewers, combined sewers, drains and appurtenances by the total area of all land benefited in the area.

(3) The costs of property service connections from the sewer to the property line or easement line as required shall be assessed against the individual lots or tracts to which such property service connections are furnished. The costs to be assessed for the property service connections shall be fixed by regulation of the metropolitan sewer district based on its experience of costs for such work.

(4) All land included in said described territory shall be assessed, except such property dedicated to use for public roadways and property owned by cities of the first or second class, counties containing cities of the first or second class, and any joint agencies of such cities and counties.

(5) When the board of a metropolitan sewer district determines that such construction of sanitary sewers, combined sewers, drains, appurtenances or property service connections at the cost of the property owners shall be recommended to the board of aldermen of a city of the first class, the metropolitan sewer district shall cause its engineering department to prepare complete drawings and specifications for the work and to keep same available for inspection in its offices.

(6) (a) The actual construction work of the sanitary sewers, combined sewers, drains, appurtenances or property service connections constructed pursuant to such ordinance shall be done by, or under the control of, the metropolitan sewer district.

(b) The cost of the sanitary sewers, combined sewers, drains, appurtenances or property service connections shall include not only the actual construction costs and the costs of any easements required for the sewers, but also costs of surveys, designs, plans, specifications, advertising, inspection and administration; however, these costs other than actual construction costs and costs of easements shall not exceed fifteen percent of the actual construction costs of the project. The cost of surveys, designs, plans, specifications, advertising, inspection and administration, but not exceeding a total of fifteen percent of the actual construction costs and the cost of any easements shall be paid by the contractor to the meropolitan sewer district at the completion of the work so that such costs may be included in the apportioned warrants.

(7) A lien superior to all liens except the liens for state, county, city, school and road taxes and liens prior in time for other public improvements shall exist against the respective lots or tracts of land for the cost of the sanitary sewers, combined sewers, drains, appurtenances or property service connections for apportionment as hereinafter provided for, and interest thereon at the rate of six percent per annum.

(8) No error in the proceedings of the city legislative body shall exempt such property from payment after the work has been done as required by either the ordinance or contract, but the city legislative body, or the courts in which suits shall be proceeding, shall make all corrections, rules and orders to do justice to all parties concerned. In no event, if the sanitary sewers, combined sewers, drains, appurtenances or property service connections are constructed as provided, by ordinance or contract, shall the city or the metropolitan sewer district be liable for the costs of the sanitary sewers, combined sewers, drains, appurtenances or property service connections without the right to enforce such costs against the property receiving the benefit.

(9) Upon completion and acceptance of the sewer facility constructed, the metropolitan sewer district shall make out all apportionment warrants for which liens are given for improvements of sewer facilities and shall immediately enter them in alphabetical order upon a register kept for that purpose. When the holder of the warrant has obtained payment, he shall notify the metropolitan sewer district and it shall mark upon the register the fact of payment.

(10) The lien shall exist from the date of the apportionment warrant, but a lien shall not be valid against a purchaser for a valuable consideration without notice, unless the apportionment warrant is entered and registered within ten days of its issuance.

(11) After any sewer facilities have been constructed in conformity with this section the metropolitan sewer district shall give notice by publication pursuant to KRS Chapter 424 of the costs apportioned, and the amounts assessed and levied on the various tracts of land liable for the payment.

(12) When property is annexed to a city of the first or second class and subsequently is connected to a sewer owned or operated by the metropolitan sewer district, payment shall be made to the district of a proportionate part of the construction costs of the sewer on the basis that would apply if the sewer were being built within the corporate limits of the city by apportionment of costs against the benefited area as provided in this section.

(13) The district may construct sewerage or drainage facilities in areas of the district located outside of the city of the first class by assessment, using the procedures set forth in this section, with the word "ordinance" being read as "resolution," the words "board of aldermen" being read as "fiscal court," the words "city legislative body" being read as "fiscal court," and the word "city" being read as "county."

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

The board of the district may annex any unincorporated area in the county, or any area of the county containing all or any part of a city of the fifth or sixth class, whether contiguous or noncontiguous, to the district by making a preliminary order describing the area to be annexed and causing said order to be published pursuant to KRS Chapter 424. The notice so published shall state that objections in writing to the proposed annexation may be filed with the district within thirty days of the date of said notice. The district shall examine and hear all such complaints. It may modify or amend the areas proposed to be annexed; and it shall make a final order, within sixty days of the date of publication of said notice, describing the area or areas to be annexed and shall cause the same to be published pursuant to KRS Chapter 424. Within sixty days after final publication of an order made pursuant to this subsection, any freeholder of land within the area or areas proposed to be annexed may appeal such final order to the circuit court for the county in which the district is located. All matters appealed shall be tried de novo and as an equitable action. Decisions of the circuit court may be appealed to the Court of Appeals and such appeals shall be advanced on the appellate court's docket.

Section 6. Section 76.242 of the Kentucky Revised Statutes is amended to read as follows:

The construction subdistrict shall not include the whole or any part of any incorporated city *of the first, second, third or fourth class, or any* sanitation district or sewer construction district, or that part of a water district in which the water district has exercised its power to establish sanitary sewerage facilities pursuant to KRS 74.407 to 74.416, except with the consent of the legislative or managing board of such city or district. With such consent, the property owners of such city or district will be considered as freeholders of the construction subdistrict.

Section 7. Section 76.244 of the Kentucky Revised Statutes is amended to read as follows:

(1) The report described in KRS 76.243 shall be made and filed within one year of an order made under KRS 76.241 which establishes the construction subdistrict or the order made under KRS 76.241 shall be deemed to have been one dismissing the petition and it shall be deemed to have been dismissed at the end of the one year period.

(2) If, based on the report described in KRS 76.243, the board decides the proposed sewer or drainage construction, or both, is not technically and economically feasible, the board may make an order abolishing the construction subdistrict, which shall be published pursuant to KRS Chapter 424 and which may be appealed in the manner described in KRS 76.247. If the board finds that such construction may be made feasible by deleting portions of the subdistrict area, it may delete such area or areas by amending the order made under KRS 76.241 (2); provided, however, that at least 25 percent of the freeholders of land included in the remaining area must have petitioned for the creation of the subdistrict.

(3) If the board should determine that a proposed construction subdistrict sewer or drainage construction project, once found to be feasible, should no longer appear to be feasible, or should a change in circumstances make it appear that some alternative to a construction subdistrict represents a more desirable and feasible way of undertaking such sewer or drainage con-

struction, then the board, in its sole discretion, may make an order abolishing the construction subdistrict; which order shall be published pursuant to KRS Chapter 424 and which may be appealed in the manner described in KRS 76.247.

Section 8. Section 76.259 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the district finds as a fact that the methods of financing sewer facilities within a construction subdistrict provided for in KRS 76.005 to 76.281 will be inadequate, uneconomic, or unduly burdensome to the residents to be initially served, the district may contract with one or more persons to construction or cause to be constructed a sewer system within the construction subdistrict or to advance or loan money to the district for the construction of a sewer system within the construction subdistrict. *The sewer system constructed must either be conveyed to the district, acting for the construction subdistrict, and be a subdistrict facility, or provisions for the eventual conveyance of the system to the district, acting for the subdistrict, must be included in the contract.* [The sewer system constructed will be the property of the construction subdistrict and will be a construction subdistrict facility.] When the district finds that one or more financing methods for construction subdistricts established by KRS 76.005 to 76.281, excluding this section, have become feasible, the district may adopt such method or methods to raise the money to pay for the construction of sewer facilities within the construction subdistrict or to pay the loan.

(2) The contract may be made prior to the making of an order establishing the construction subdistrict. The contract may require that one or more persons agree to buy construction subdistrict bonds to be issued pursuant to KRS 76.254 in an amount specified, which shall be sufficient to finance the construction of the sewer system. The maximum price and yield of the bonds shall be stated in the contract. Such contract shall not prevent the district from selling the bonds to a lower bidder.

(3) All contracts made pursuant to this section shall be in writing and shall contain a covenant that this section shall prevail over any contrary feature of the contract.

(4) The General Assembly declares that the public policy of the Commonwealth will not be offended merely because a contract or loan made pursuant to this section is privately negotiated or because it is made without competitive bidding.

(5) Bonds sold to one or more contracting parties pursuant to subsection (2) shall be indorsed to disclose the nature of the sale. Such bonds, no matter who the holder or owner, shall never be eligible to have any payment made on their account pursuant to subsection (6) of KRS 76.262.

Section 9. Section 76.268 of the Kentucky Revised Statutes is amended to read as follows:

Annexation to subdistricts may be accomplished by any of the following procedures, as the board may elect:

(1) *(a)* After the creation of a construction subdistrict under the provisions of KRS 76.241 to 76.246, the board [of the metropolitan sewer district] may, if it deems it advisable, use the authority and procedures granted to sanitation districts by KRS 220.535 to 220.537 to annex territory to a subdistrict, *the words* "board of directors" being read as "metropolitan sewer district board."

(b) [(2)] Language in KRS 220.535 limiting the powers of annexation to a sanitation district in a county not containing a city of the first class, shall not be applicable to a metropolitan sewer district which might use this method of annexation to a construction subdistrict even if it is located in a county containing a city of the first class, and the Director of Sanitary Engineering of the Department of Health shall function in regard to annexation by it in the same manner and under the same procedures, as set out in KRS 220.535 to 220.537, as he would in his capacity as Commonwealth of Sanitation Districts for any sanitation district.

(2) After the creation of a construction subdistrict under the provisions of KRS 76.241 to 76.246, the board may annex any area, contiguous or non-contiguous, subject to the limitations of 76.242, to the construction subdistrict by making a preliminary order describing the area to be annexed and causing said order to be published pursuant to KRS Chapter 424. The notice so

published shall state that objections in writing to the proposed annexation may be filed with the district within thirty days of the date of said notice. The district shall examine and hear all such complaints. It may modify or amend the areas proposed to be annexed; and it shall make a final order, within sixty days of the date of publication of said notice, describing the areas to be annexed and shall cause the same to be published, pursuant to KRS Chapter 424. A freeholder of land within the area proposed to be annexed may appeal such final order in the manner described in KRS 76.247.

(3) In the event the owner or owners of all the property or properties proposed to be annexed to a construction subdistrict shall tender to the district their written request or requests that the district proceed immediately with the annexation of said property or properties, and shall unqualifiedly waive all formalities and substantive rights contained in KRS 76.268 (2), the district may thereupon make and publish a final order annexing said property or properties to the construction subdistrict. Said order shall contain a recitation of the receiving of waivers from the owners of all properties to be annexed thereunder. Provided, however, that in all such instances the written request or rquests of the owner or owners of all properties proposed to be annexed to a construction subdistrict shall be in recordable form and shall be recorded in the office of the clerk of the county court of the county wherein the property is located; and said clerk is authorized to record such instruments as in the case of mortgages and may charge and receive fees therefor as in the case of mortgages.

(4) [(3)] The provisions of subsections (1), [and] (2) *and* (3) of this section shall not repeal or reduce any existing rights or duties of metropolitan sewer districts, but shall constitute merely a procedure for annexation to construction subdistricts by a metropolitan sewer district.

HB 514, AN ACT relating to sanitation districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 220.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 220.020 to 220.540, unless the context otherwise requires:

(1) "Sanitary works", "improvements", "sanitary system" or "sanitary sewers", means any works *acquired by construction or purchase, extended, added to, improved, or maintained* [constructed] by a sanitation district in accordance with the purposes of KRS 220.010 to 220.540, as set forth in KRS 220.030.

(2) "Person" means any person, firm, copartnership, association or corporation other than a public corporation.

(3) "Public corporation" means any county, city, school district, water district or drainage district, and any other governmental agency or political subdivision clothed with the power of levying general or special taxes or issuing bonds payable from special funds.

(4) "Land" or "property" means real property.

(5) "Board of directors", "directors" or "board" means the governing body of a sanitation district.

(6) "Sanitation commissioner" or "commissioner" means the commissioner of sanitation districts, as provided for in KRS 220.020.

(7) "District" means a Sanitation District authorized by KRS 220.010 to 220.540.

(8) "District area", "within the district", "corporate limits of the district" and similar terms mean that area established to be within the district in accordance with KRS 220.020 to 220.540. No construction subdistrict shall be construed to be within the district area.

(9) "Construction subdistrict bonds and obligations" and like phrases mean any obligation whatsoever that has been incurred by the district because of some function or activity of a construction subdistrict. Such debts are not obligations of the district, and such debts may be paid only from monies received by the district on account of the construction subdistrict, or from the funds, if any, in the construction subdistrict, or from the funds, if any, in the construction subdistrict reserve fund.

(10) "Construction subdistrict facilities" are all sewage facilities within a construction subdistrict, and all sewerage facilities outside the district area which join together two or more construction subdistricts or lead from a construction subdistrict to the district area or lead from a construction subdistrict to a disposal plant or a treatment plant outside the construction subdistrict and outside the district area, and which are not a part of a sewer system of a municipal corporation or a sewer system of a water district organized pursuant to KRS 74.010 to 74.416.

(11) "District facilities" are all facilities of the district as provided for in KRS 220.020 to 220.540.

Section 2. Section 220.030 of the Kentucky Revised Statutes is amended to read as follows:

Sanitation districts may be established for any of the following purposes:

(1) To prevent and correct the pollution of streams.

(2) To regulate the flow of streams for sanitary purposes.

(3) To clean and improve stream channels for sanitary purposes.

(4) To provide for the collection and disposal of sewage and other liquid wastes produced within the district; and incident to such purposes and to enable their accomplishment, *to acquire by construction or purchase, extend, add to and improve,* [to construct] with all appurtenances thereto, laterals, trunk sewers, intercepting sewers, siphons, pumping stations, treatment and disposal works, to maintain, operate and repair same, and do all other things necessary for the fulfillment of the purposes of KRS 220.010 to 220.520.

Section 3. Section 220.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the commissioner of sanitation districts shall establish a district, a petition, approve as to propriety and necessity by the county board of health of each county affected, shall be filed with the commissioner, signed by *forty* [sixty] percent

of those in possession claiming as freeholders within the limits of the territory proposed to be organized into a district.

(2) In determining when *forty* [sixty] percent of the landowners have signed the petition, the commissioner shall be bound by the names as they appear upon the county tax duplicate, which for all purposes of KRS 220.010 to 220.520 shall be prima facie evidence of such ownership. The commissioner shall further require evidence to determine the fact that all signatures on the petition are genuine, and a notification by ordinary mail sent to the respective addresses shown on the petition shall be deemed satisfactory by the commissioner if the petitioner so notified fails to report in writing within ten days that he did not sign the petition. When authorized by ordinance, such a petition may be signed by the governing body of any municipality lying wholly or partly within the proposed district. When so signed by such governing body a petition on the part of the governing body shall fill all requirements of representation upon the petition of the freeholders of the municipality as they appear upon the assessment roll of the municipality, and individuals within the municipality shall not sign the petition. Such a petition may also be filed by any municipality interested in some degree in the improvement, upon proper action by its governing body, except as provided in KRS 220.520.

Section 4. Section 220.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the petition is filed with the commissioner, he shall investigate at once the boundary of the district proposed to be organized, and may, at the cost of the petitioners, cause to be made surveys necessary to establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by the creation of the district in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the commissioner need not follow the boundary proposed by the petitioners, but if the boundary established by the commissioner results in a material change from that proposed in the original petition the petitioners shall secure, in case of a larger

or smaller area, the signatures of *forty* [sixty] percent of the freeholders or owners in the area as established by the commissioner.

(2) None of the provisions of KRS 220.010 to 220.520 shall be applicable within the corporate boundary of any city of the first class, nor shall they be binding upon such city or any part thereof, or any land or property within the boundary of such city. The governing body of any city of the first class shall determine by ordinance whether city property lying outside the corporate boundary shall be included in any sanitation district, and whether the city shall bind itself to pay the charges for the services of the district furnished to such land or property.

(3) Should it be found desirable to include in a sanitation district all or a portion of a city of the second or third class, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the charges for the services of the district furnished in such area.

Section 5. Section 220.090 of the Kentucky Revised Statutes is amended to read as follows:

When *forty* [sixty] percent of those qualified within the boundary fixed by the commissioner are found to have petitioned for the establishment of a sanitation district, and the commissioner has established the boundaries thereof, the commissioner shall give notice of the application for the creation of the district by *posting the notice in at least ten places in the area proposed to be organized into a district, or by publishing it in at least two consecutive, regular editions of a newspaper of general circulation in the proposed district.* [publication pursuant to KRS Ch. 424.]

Section 6. Section 220.220 of the Kentucky Revised Statutes is amended to read as follows:

The board of directors shall cause to be prepared a plan for *financing the acquisition by construction or purchase, or both, of* the improvements *or sanitary works* for which the district was created. The plan shall include such maps, profiles, plans, *feasi-*

bility studies with reference to any plan of financing the acquisition of any existing sanitary works and other data and descriptions as are necessary to set forth properly the location and character of the work, with estimates of cost and of the property benefited, taken or damaged. In the preparation of the plan, the board may recognize the necessity of future extension and enlargements that may result from enlargements of the area of the district, in order that the district improvements may be designed to meet properly such increased demands.

Section 7. Section 220.240 of the Kentucky Revised Statutes is amended to read as follows:

Upon the completion of the plan the board of directors shall submit it to the State Board of Health for approval [.] *; provided, however, that if such plan involves the financing of the acquisition of existing sanitary works by the district, the board of directors shall submit such plan, together with an appropriate feasibility study of an engineer registered in Kentucky to the county court of the county in which said district is located, for approval. Notice shall be published of the filing of such plan and of the filing of such feasibility study, in a newspaper of general circulation published in said county, meeting the requirements of KRS Chapter 424, affording to the citizens of the district a period of sixty days within which to file objections to said plan of acquisition, and if any such objections are filed, the court shall set the case for hearing to be held within ten days following the expiration of said sixty-day period. Either party may thereupon appeal to the circuit court for a hearing de novo, and from the circuit court to the court of appeals as provided by law, but if no timely appeal is filed, all matters contained in said plan shall be deemed final and unappealable.* If the State Board of Health refers the plan back for amendment, the board of directors shall prepare and submit an amended plan *to said Board.* If the State Board of Health rejects the plan, the board of directors shall proceed as provided in KRS 220.220, to prepare another plan. If the State Board of Health approves the plan, a copy of the action of the State Board of Health shall be filed with the secretary of the board of directors and by him incorporated into the records of the district. *If the county court approves a plan of acquisition under the provisions hereinabove*

referred to, the secretary shall similarly obtain a copy and incorporate same into the records of the district.

Section 8. Section 220.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The powers of the board of directors shall be limited to the *acquisition by construction or purchase, extension, adding to and improvement, with all appurtenances thereto, and the* [construction] maintenance and operation of such works as are necessary to carry out the purposes of the district in improvement of sanitation, as set forth in KRS 220.030. The board shall not permit house and users' connections at the cost of the district, and every connection shall be made under the supervision of the district. No house or users' connection shall be made unless and until the house or user is provided with an adequate water supply.

(2) In order to effect the proper collection and disposal of sewage and other liquid wastes produced within the district, to promote the public health, comfort, convenience and welfare, and to accomplish all other purposes of the district, the board may clean out, straighten, alter, deepen or otherwise improve any stream, watercourse or body of water receiving sewage or other liquid wastes and located in or out of the district; fill up any abandoned or altered stream, watercourse or body of water located in or out of the district; *acquire by construction or purchase and to* [construct and] maintain laterals, trunk sewers, intercepting sewers, siphons, pumping stations, treatment and disposal works and improvements deemed necessary to accomplish the purposes of the district and *acquire by construction or purchase* [construct], preserve, operate or maintain such works in or out of the district; *acquire by purchase or construction* [construct] connections to the works of the district for the delivery thereto of sewage and other liquid wastes; incorporate with the works of the district or otherwise utilize any public sewers, drains or other sewerage improvements either without modifications or with repairs, modifications or changes deemed necessary; *acquire by purchase or construction* [construct] any and all of the works and improvements across or through any public or private property in or out of the district; hold, encum-

ber, control, acquire by donation, purchase or condemnation, and *acquire or* construct, own, lease, use and sell, any real or personal property, or any easement necessary for right of ways or locations for the works and improvements of the district, or for any necessary purpose, or for obtaining or storing material to be used in *acquiring or* constructing and maintaining the works and improvements.

(3) KRS 220.010 to 220.540 shall not limit or interfere with the right of public corporations to *acquire, construct,* install, maintain and operate sewerage systems as otherwise permitted by law, but the board of directors shall have full power and authority in the *acquisition,* construction and maintenance of improvements for the purposes of the district to serve the area included within the district, and the board of directors may require the use of the improvements of the district by persons and public corporations included within the district and for which the improvements were installed.

(4) The board of directors shall have an annual audit made by a certified public accountant, copies of which shall be filed with the Secretary of State and with the county judge of the county or counties in which the sanitation district is located.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

Any sanitation district, created in the manner provided in KRS Chapter 220, may, if the board of directors of said district deems it feasible, acquire by construction or purchase, or both, and extend, add to and improve, sanitary works, with all appurtenances thereto and finance same through the issuance of revenue bonds, secured solely by the revenues of the system, under the provisions of KRS 94.160 and 96.350 to 96.510, both inclusive, and the district and said board of directors shall have the same powers and duties as a city of the second to sixth class, inclusive, under the provisions of KRS 94.160 and 96.350 to 96.510, both inclusive, the language referring to waterworks and water systems in KRS 96.350 to 96.510 to be read as sanitary works, and the word "ordinance" to be read as "resolution."

The provisions of this section shall not repeal or reduce any existing rights or duties of a sanitation district but shall constitute an additional and alternate method of financing.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

Any sanitation district created in the manner provided in KRS Chapter 220 may, if the board of directors of such district deems it advisable, use the authority and procedures granted to incorporated municipalities by KRS 107.010 to 107.220, for the purpose of financing the acquisition, construction, extension, addition or improvement of sanitary works, with all appurtenances thereto. When applied to sanitation districts, terms used in KRS 107.010 to 107.220 shall be construed to mean the following: "city" means "district;" "ordinance" means "resolution;" "clerk" means "secretary of district;" "governing body" means "district board of directors;" and "mayor or chairman of board of trustees" means "chairman of the board of directors of the district."

The provisions of this section shall not repeal or reduce any existing rights or duties of a sanitation district but shall constitute an additional and alternate method of financing.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

For the purpose of financing the acquisition by construction or purchase, or both, and extensions, additions and improvements, of sanitary works, with all appurtenances thereto, a district is authorized to issue revenue bonds, payable in whole or in part from the revenues to be derived from such sanitary works, and be vested with all of the powers, duties and responsibilities, including the power of condemnation, as are delegated and granted to a "governmental agency" under the terms and provisions of KRS Chapter 58 as said law now exists or as it may hereafter be amended. When applied to sanitation districts, terms used in KRS 58.010 to 58.140 shall be construed to mean the following: "governmental agency" means the "district" or "board of directors of the district" and "public project" means "sanitary works."

The provisions of this section shall not repeal or reduce any existing rights or duties of a sanitation district but shall constitute an additional and alternate method of financing.

If any provision, sentence, paragraph or clause of this Act shall be invalid or unconstitutional for any reason, the provisions thereof shall not affect the validity of the remaining portions of this Act.

Section 13. An emergency is declared to exist with respect to the necessary financing of sanitation districts governed by this Act and the acquisition of existing facilities and this Act shall become effective upon its passage and approval by the Governor.

Motions, Petitions, and Communications

Representative McBrayer moved that **HB 170** be recommitted to the Committee on State Government. Agreed.

HR 105: A RESOLUTION requesting the Board of Trustees of the University of Kentucky to reconsider its decision regarding Northern Community College at Covington.

WHEREAS, the $176 million bond issue which was voted upon favorably by the citizens of the Commonwealth of Kentucky in the regular November election in 1965 was advertised to include funds to expand facilities that would allow significant broadening of courses of study at the Northern Community College at Covington, and

WHEREAS, the voters of Northern Kentucky cast their votes in favor of the bond issue with the expectation that such expansion would take place, and

WHEREAS, plans for a $2.95 million classroom-student union complex to be built at the Northern Community College have been discarded by the Board of Trustees of the University of Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives deplores the action of the Board of Trustees of the University of Kentucky as a breach of trust to the people of Northern Kentucky.

Section 2. That of Board of Trustees of the University of Kentucky is requested to reconsider its decision to discontinue plans for a $2.95 million classroom-student union complex to be built at the Northern Community College.

Section 3. That a copy of this resolution be sent to each member of the Board of Trustees of the University of Kentucky.

Representative King moved the adoption of **HR 105.** Agreed.

Representative Smith requested that his name be added as co-sponsor of **HB 364.** Agreed.

Orders of the Day

HB 198 (continued)

Representative Blume requested that Amendment No. 5 to **HB 198** be withdrawn. Agreed.

Representative Blume moved the Previous Question on **HB 198.**

On the roll call the vote was yeas 57—Allen, Arnett, Ballenger, Bemberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Carroll, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Hinkle, Hoffman, Holbrook, Hunt, Irick, Isler, Johnson, Justice, Keene, Kessinger, Kidd, Lankford, Lawson, Massey, May, McBrayer, McKinney, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Simmons, Tobin, Walters, Webster, Wesley, Wolchik, Wooley, Wright. Nays 24—Alexander, Baker, Brown, DeMarcus, Denham, Floyd, Hampton, Hardin, Harper, Henry, Hoe, Huff, James, Keith, King, Lassiter, Maddox, McNamara, Peace, Rattliff, Smith, Vanover, Wells, White.

The motion on the Previous Question was adopted.

On the roll call the vote was yeas 70—Allen, Arnett, Ball,

Bamberger, Blandford, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Greer, Halleck, Hardin, Harper, Hinkle, Hoffman, Holbrook, Hunt, Irick, Isler, James, Johnson, Jones, Justice Keene, Kessinger, Kidd, King, Lankford, Lawson, Massey, May, McBrayer, McGill, McKinney, Melton, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 11—Alexander, Baker, Denham, Hampton, Henry, Hoe, Huff, Keith, Lassiter, Maddox, Wells.

HB 198 was passed and the title agreed to.

Representative R. Miller moved that the vote by which **HB 198** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that consideration of all Senate bills be deferred and that they retain their positions in Orders of the Day. Agreed.

HR 33 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 61—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Brown, Bruce, Clapp, Clark, Cruse, Dawhare, DeMarcus, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Isler, James, Jones, Justice, Keith,, Kidd, Lankford, Lawson, Maddox, Massey, May, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Sartin, Siemens, Simmons, Stuart, Vanover, Walters, Webster, Wesley, White, Wolchik, Wooley, Wright. Nays 0.

HR 33 was passed and the titlle agreed to.

HB 543 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it

be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmidt moved the adoption of Amendment No. 1 to **HB 543.**

Representative Pettit moved that consideration of **HB 543** be deferred until the amendment is studied. Agreed.

HB 540 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Alexander, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, Jones, Keene, Keith, Kessinger, King, Lassiter, Lawson, Louden, Maddox, May, McCallum, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Simmons, Smith, Tobin, Webster, Walls, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 540 was passed and the title agreed to.

HB 348, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riddle moved the adoption of the Committee Amendment to **HB 348.** Agreed.

On the roll call the vote was yeas 76—Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Cox, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Jones, Justice, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McKinney,

Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 348 as amended was passed.

Representative Riddle moved the adoption of the Title Amendment to **HB 348.** Agreed.

Representative Riddle moved that the vote by which **HB 348** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 346 taken from orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55—Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Coffey, Cruse, DeMarcus, Floyd, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Holbrook, Huff, Irick, Jones, Justice, Keith, Kessinger, Lankford, Lawson, Louden, Maddox, Massey, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Murphy, Ray, W. J. Reynolds, Riddle, Russell, Sartin, Simmons, Smith, Stuart, Tobin, Walters, Webster, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HB 346 was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 346** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 397, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Prather moved the adoption of the Committee Amendment to **HB 397.** Agreed.

On the roll call the vote was yeas 71—Alexander, Baker, Ballenger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Halleck, Hampton, Hardin, Harper, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McKinney, Melton, Mershon, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wolchik, Wooley, Wright. Nays 4—Arnett, Ball, Henry, Rattliff.

HB 397 was passed and the title agreed to.

Representative Prather moved that the vote by which **HB 397** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 502 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64—Alexander, Allen, Arnett, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Carroll, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McKinney, Mershon, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Simmons, Smith, Tobin, Webster, Wheeler, Wooley, Wright. Nays 6—Clark, DeMarcus, Denham, Lawson, Sartin, Wesley.

HB 502 was passed and the title agreed to.

Representative McBrayer moved that the vote by which **HB 502** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 104 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that

it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wheeler moved the adoption of the following Amendment No. 1 to **HB 104:**

Amend printed copy of House Bill 104 on page 1,
by deleting lines 1 through 10 in their entirety
and on page 1, line 11, by amending "Section 2." to read "Section 1."
and on page 2, by deleting all the italicized words in lines 2 through 8 in their entirety
and on page 2, lines 1 and 2, by removing the brackets
and on page 2, line 1, delete the words "twenty-four" by placing them in brackets and inserting before the word "hundred" the words *"forty-eight"*

Agreed.

On the roll call the vote was yeas 50—Allen, Arnett, Ball, Ballenger, Bamberger, Blume, Blythe, Bruce, Coffey, Cruse, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Hinkle, Holbrook, Hopkins, Irick, Isler, Justice, Keene, Lankford, Lassiter, Lawson, Louden, May, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Rattliff, Ray, W. J. Reynolds, Russell, Sartin, Siemens, Simmons, Stuart, Tobin, Webster, Wheeler, White, Wolchik, Wooley. Nays 5—Greer, James, King, Rickert, Vanover.

HB 104 as amended was passed and the title agreed to.

Representative Wheeler moved that the vote by which **HB 104** as amended was passed by reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Morgan moved that the House recess for one and one-half hours for lunch and Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the Rules be suspended for Introduction of Resolutions.

Introduction of Bills and Resolutions

HR 107, by Representative Morgan: A RESOLUTION directing the Legislative Research Commission to conduct a study concerning the necessity for the creation of a permanent Joint Survey Committee for the study of legislation concerning exemption from the credit against state and local taxes.

WHEREAS, in every session of the General Assembly numerous bills are offered in the General Assembly which provide for exemption from and credit against state and local taxes, and

WHEREAS, such exemption and credit provisions require detailed study and determination as to their effect upon the tax base at the state and local level, and

WHEREAS, the General Assembly meets for only sixty days every two years, and

WHEREAS, the period of time in which the General Assembly is in session is not sufficient to determine in detail the effect of such tax exemption and credit bills on the state and local tax base, and

WHEREAS, there is need for a committee to study such exemption and credit provisions between and during legislative sessions,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be directed to conduct a study together with implementing legislation to be presented to the 1970 General Assembly concerning the necessity for the creation of a permanent joint survey committee composed of members of the Senate and the House of Representatives, the Attorney General, the Commissioner of Revenue and a member appointed by the Governor, to consider

exemptions and credits for persons, corporations, associations and other organizations from state and local taxation.

Representative Morgan moved the adoption of **HR 107.** Agreed.

HR 102, by Representative Smith: A RESOLUTION adjourning the House of Representatives on Tuesday, March 12, 1968, in memory of George P. Anderson.

WHEREAS, George P. Anderson of Whitley City departed this earthly life on Sunday, March 10, 1968; and

WHEREAS, this honorable gentlemen was himself a member of the House of Representatives in 1936-37, and was a former sheriff of McCreary County; and

WHEREAS, the House of Representatives shares the sorrow of all Kentuckians grieved at the passing of so dedicated a public servant;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives adjourns on Monday, March 11, 1968, it does so in memory of George P. Anderson.

Representative Smith moved the adoption of **HR 102. Agreed.**

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Health and Welfare reported **SB 326** and **SB 341,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 326, AN ACT relating to hospital districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This legislation is designed to permit a county to form a hospital district of two or more counties to join together in the formation of the hospital district in order to provide a broader basis for local support of hospitals and related health facilities including supportive services and the training and education to health personnel. The General Assembly recognizes that hospitals can be more effective if they are of sufficient scope to marshal the skills and manpower necessary to provide the advantages of modern medicine and that the development of high-speed highways makes possible accessability to such modern hospitals permitting service to a larger geographical area. It is the intent of this Act to provide for the integration of the complex functions of health and hospital care for the collective benefit of all the people within an area by providing a method to extend the geographical territory to larger regions.

2. Section 2. As used in this Act:

(1) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for more than twenty-four hours, of two or more non-related individuals suffering from illness, disease, injury, deformity, or a place including nursing and convalescent homes and all institutions for the care of the sick, devoted primarily to providing, for more than twenty-four hours, obstetrical or other medical or nursing care for two or more non-related individuals.

(2) "District" means hospital districts;

(3) "Board" means the governing body of a hospital district;

(4) "Commissioner" means the Commissioner of Health; and,

(5) "Medical Service Area" means the geographical territory from which patients come or are expected to come to existing or proposed health facilities as defined by the Department of Health.

Section 3. The Commissioner of Health shall, in addition to his other duties, act as commissioner of hospital districts, and

is vested with jurisdiction, power and authority, when the conditions set forth in Section 4 of this Act exist, to establish a hospital district within a medical service area as established by the Department of Health.

Section 4. Before a hospital district is established or a county participates in an established district, the procedure provided in subsection (1) or the procedure provided in subsection (2) shall be complied with.

1) (a) Upon the filing of a duly certified petition of one hundred or more duly qualified voters in a county to be included within the territorial limits of the proposed district, the fiscal court of each county in the proposed district shall adopt a resolution submitting to the qualified voters of the county the question as to whether a hospital district should be established for the medical service area and a special ad valorem tax imposed for the maintenance and operation of the district, not to exceed ten cents on each one hundred dollars of the assessed valuation of all property in the county. A certified copy of the order of the fiscal court shall be filed with the county court clerk at least sixty days prior to the next regular election and thereupon the clerk shall cause the question to be placed upon the ballot.

(b) The question shall be in substantially the following form: "Are you in favor of (insert the name of the county) participating in a hospital district composed of (insert the names of the counties) for which (insert the name of the county) shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars worth of property assessed for local taaation in the district for the maintenance and operation of the (insert name) hospital district?"

(c) If a majority of those voting in the county favor the established of the district or the participation of the county in an established district, the district shall be established and shall constitute and be a taxing district within the meaning of Section 157 of the Constitution of Kentucky and the county shall be a participating county in the district.

(d) The participation of each county in a district shall be

determined separately and a county may follow the procedure in subsection (1) or (2) without regard to the procedure followed in any other county in the district.

(e) All special ad valorem taxes authorized by this Act shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

(2) (a) Upon the filing of a duly certified petition of a majority of the number of duly qualified voters who voted in the last general election in each county to be included within teh territorial limits of the proposed district, the fiscal court of a county in the proposed district shall adopt a resolution ordering the levy of a tax of not more than ten cents on each one hundred dollars worth of property assessed for local taxation. Such petition shall be filed with the fiscal court in each county in the proposed district not later than ninety days after the date of the first signature on the petition. A certified copy of the order of the fiscal court shall be filed within thirty days with the county court clerk who will add the levy to the next annual tax bill of the county or counties concerned.

(b) The petition shall be in substantially the following form:

The following duly qualified voters of (insert name of county) hereby petition the fiscal court concerned to establish a hospital district for (insert name of county or counties) for which (insert name of county) shall have the authority to impose a special ad valorem tax of (insert exact amount) on each one hundred dollars worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) hospital district.

(c) The petition shall contain the following: The name and address of each petitioner and the date upon which he signed the petition.

(d) All special ad valorem taxes authorized by this Act shall be collected in the same manner as are other county ad

valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

Section 5. The fiscal court of a county in which the election is held or to which a petition is presented shall recommend to the commissioner that the district be established and that the county participate in the district. Upon the receipt of the resolution of any fiscal court recommending establishment of a hospital district, the commissioner shall establish the district within the medical service area in which that county is located, and shall certify his act to the county judge and county court clerk of each county which is a part of the district, the State Local Finance Officer and to the Secretary of State. The district shall then be a taxing district within the meaning of Section 157 of the Kentucky Constitution for the carrying out of the purposes for which the district was created, and for executing the powers with which it is vested. The county submitting the resolution to the commissioner shall be a participating county in the district. The remaining counties in the medical service area may become participating counties upon compliance with the requirements prescribed in Section 4 of this Act.

Section 6. (1) Where there is only one participating county in the district the county judge of the participating county shall appoint five members of the district board. Where there are two or more counties participating in the district the board shall consist of at least one but not more than four persons from each participating county, the total membership of the board to consist of not less than five persons. Where a participarting county in a district in which more than one county is participating has a population of seventy-five thousand or less, that county shall be allowed one board member. Where a participating county in a district in which one or more county is participating has a population in excess of seventy-five thousand the county shall be allowed a board member for each forty thousand or a portion thereof, of population in excess of seventy-five thousand of population, but not to exceed four members in all.

(2) Where, after each county in the district has appointed the number of board members that it is allowed to appoint, the board consists of fewer than five members the commissioner shall recommend a number of persons from the district at large suitable for appointment to the Board equal to twice the difference between the number already appointed and five. The board members appointed by the county judges shall elect to membership on the board one-half of those recommended by the commissioner. The length of the term of no member shall be determined as required by Section 7 of this Act until the full membership of the board has been appointed. The successors of the members from the district at large shall be appointed in the same manner as the original members from the district at large. Population shall be determined by the most recent decennial report of the United States Census Bureau.

Section 7. (1) One-third of those persons first appointed to the Board shall serve for a term of two years, one-third for a term of three years; one-third for a term of four years. Where the board consists of a number not divisible of three, one-third of the next higher number divisible by three, shall serve for a term of two years, one-third for a term of three years and the remaining number shall serve for a term of four years. Thereafter, as their terms expire, their successors shall be appointed in the same manner, but for a term of four years each. The number shall hold office until their respective successors are appointed and qualified. No member of the board shall serve more than two successive four-year terms.

(2) Any vacancy occurring in the terms of office of members shall be filled for the unexpired term by the county judge by appointment for each county in which the vacancy occurred; or by the board by appointment on recommendation of the Commissioner of two names for each vacancy which occurs for members of the district at large.

Section 8. The board of the district shall be composed of residents of the county or district from which appointed. No person shall be appointed to the board of any hospital district who has any financial or professional interest in the establishment or continued existence thereof or who is a member of

the governing body or an officer or an employee of a municipality or county within the district except that previous membership on any existing hospital board shall not preclude a person's appointment to the board of a hospital district.

Section 9. The members of the board shall not receive compensation for their services but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties, upon vouchers duly approved by the board, signed by the secretary and countersigned by the president.

Section 10. The board shall be a body corporate under the name and style of "_____ Hospital District Board of Trustees". The members shall, as soon as possible after their appointment, adopt a seal and organize by electing from their number a president, a secretary and a treasurer, each to serve for a term of two years and until his successor is elected and qualified. The treasurer shall give bond to the Commonwealth for the faithful performance of his duties, in such sum and form and with such sureties as the board shall approve. A majority of the board shall constitute a quorum.

Section 11. The government of the hospital district shall be vested in the board which shall have general control of the property and affairs of the district and shall have all the powers necessary to carry out the purpose of this Act including, but not confined to, the following:

(1) To construct, acquire, add to, maintain, operate, develop and regulate, sell and convey all lands, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any other facilities;

(2) To exercise the right of eminent domain for the purposes of the district except that no hospital district shall have the right of eminent domain against any hospital, clinic or sanatorium operated by a non-profit charitable, religious or public organization, or against any private hospital, clinic or sanatorium;

(3) To receive, acquire, hold, manage, expend, sell and

convey donations and bequests of real and personal property for hospital purposes within the district.

(4) To establish and maintain a public hospital or hospitals in the district and where necessary make provisions for education of health personnel;

(5) To lease existing hospital or hospitals and equipment and other property used in connection with the operation of a hospital, and to pay such rental therefor as the board shall deem proper;

(6) To enter into contracts and agreements with any person or corporation, public or private, affecting the affairs of the district, including contracts with cities, counties, other municipalities, the Commonwealth or the United States of America and any of its agents or instrumentalities;

(7) To sue and be sued;

(8) To make contracts, employ an administrator, attorneys and other technical or professional assistance and all other employees as the needs of the district may require, and to prescribe their duties and compensation;

(9) To have perpetual existence;

(10) To borrow money on the credit of the board in anticipation of the revenue to be derived from anticipated revenue from user fees or from taxes levied by the district for the fiscal year in which the money is borrowed, and to pledge the taxes levied for the district for the payment of the principal and interest of the loan.

(11) To establish by-laws it deems necessary or expedient to define the duties of officers, assistants or employees, to fix the conditions of admission to the hospitals of the district, and the support and discharge of patients, and to conduct in a proper manner the professional and business affairs of the district;

(12) To establish and enforce a suitable system of rules and regulations for the internal government, discipline and management of the hospitals of the district;

(13) To determine annually the amount of tax, not to exceed ten cents per one hundred dollars of property assessed for taxation, to be levied upon the taxable property of the district, for the purposes of the district, and to certify to the fiscal court of each county in the district and to each county court clerk for inclusion on the tax bills of property owners in the district.

Section 12. The board, in cooperation with Regional or State Comprehensive Health Planning Councils, where established, shall plan for the unmet hospital needs in the district.

Section 13. The treasurer of the board shall:

(1) Have the custody of all money, securities, and obligations belonging to that district, and shall disburse money only for the uses and purposes of the district and in the manner prescribed by the by-laws on itemized vouchers allowed by the board;

(2) Keep a full and accurate account of all receipts and payments in the manner directed by the by-laws, and such other accounts as the board prescribes;

(3) Render statements of accounts of the several books, funds and property in his custody whenever required by the board; and,

(4) Have the power to perform such other fiscal duties as the board may prescribe.

Section 14. Every district established under this Act shall at all reasonable times keep open for the inspection of the Auditor of Public Accounts all of its records and books of accounts and shall have an outside independent audit by a Certified Public Accountant annually.

Section 15. The fiscal year of a district shall commerce on July 1 and close on June 30.

Section 16. Within sixty days after the close of each fiscal year the board shall make a written report to the Commissioner. A copy of this report shall be filed with the county court clerk of each county within the district. The report shall contain:

(1) An itemized statement of the various sums of money received for the district;

(2) An itemized statement of expenditures from the fund;

(3) A statement of the property acquired by devise, bequests, purchase, gift or otherwise during the fiscal year;

(4) A statement of the character of hospital services furnished to the district during the fiscal year; and,

(5) Any other statistics or information requested by the Department of Health.

Section 17. The administrator shall be the chief administrative officer of a hospital district. He shall be responsible to the board for the efficient administration of all affairs of the hospital district and he shall have power, and it shall be his duty to carry out the orders of the board, and to conduct the affairs of the district according to law.

Section 18. Hospital districts may, in addition to all other methods provided by law, acquire, construct, and improve hospital facilities through the issuance of revenue bonds under the terms and provisions of KRS Chapter 58.

Section 19. The board of a hospital district may accept grants or aid from the state or federal government or any agency thereof to carry out the purposes of the district.

Section 20. A hospital district may be dissolved in the following manner:

(1) Upon determining that the district should be dissolved, the board shall unanimously adopt a resolution calling for the dissolution of the district. This resolution shall be sent to the fiscal court of each participating county for their action.

(2) Upon receipt of the resolution for dissolution each fiscal court shall take action. If the fiscal court of each participating county determines that the district shall be dissolved, they shall adopt a resolution of intent to dissolve the district within six months of the receipt of such a resolution from the board.

(3) A certified copy of the order of the fiscal courts along with a plan for the settlement of all outstanding obligations and debts of the district shall be filed with the Commissioner and with the county court clerk.

(4) Upon receipt of the resolution of intent to dissolve the district and the settlement plan from the fiscal court of each county in the district, the Commissioner may issue a certificate of dissolution. This certificate shall be filed with the Secretary of State, the State Local Finance Officer and the county court clerk of each county in the district.

(5) The county court clerk or clerks in the district, shall, upon receipt of the certificate of dissolution from the Commissioner, remove the tax levy from the tax bills from the property owners of the district and the district shall be dissolved.

(6) A resolution of dissolution shall not be entered within a one year period from the date of the entry of the order declaring the district organized, or one year from the date of final determination of any action to set aside such an order, whichever is later.

Section 21. After a district has been dissolved, the board shall proceed to terminate the affairs of the district. After payment of all obligations, all monies remaining in the hospital district fund shall be pro-rated on the basis of the assessed valuation of the taxable property within the district and so credited to the general fund of the counties composing the district.

SB 341, AN ACT relating to licensing of hospitals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 216.430 is amended to read:

Upon receipt of an application for license accompanied by the license fee, the licensing agency shall issue a license, if the applicant and the hospital facilities meet the requirements established under KRS 216.400 to 216.500. Any hospital which is in operation at the time KRS 216.400 to 216.500 becomes effective shall be licensed upon application even though it does

not comply with the standards at that time. However, failure to comply with the required standards within two years thereafter shall result in the institution of an action for revocation or suspension of the license. Each license, unless sooner suspended or revoked, shall expire on June 30, following its issuance, and be renewable annually for a fee of five dollars upon filing by the licensee and approval of the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency may reasonably require. All fees collected shall be deposited in the State Treasury for the use of the licensing agency in carrying out the purposes of KRS 216.400 to 216.500. Hospitals operated by governmental units shall be exempt from the payment of fees and licensure but shall comply with all other requirements of KRS 216.400 to 216.500. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable without the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises. *No license shall be granted to a hospital containing 100 beds or more, unless a doctor is on duty at all times.*

Committee Amendment to **SB 341** is as follows:

Amend printed copy of Senate Bill 341 on page 2, line 14, by: deleting *"duty"* and inserting in lieu thereof *"call"*

The Committee on Public Utilities and Transportation reported **HB 457, HB 458, HB 500, HB 596,** and **HB 610** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 457, AN ACT relating to motor vehicle sales and the regulation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 190.090 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 190.010 to 190.080 unless the context requires otherwise:

(1) "Motor vehicle dealer" means any person not excluded by subsection (2) of this section who:

(a) For commission, money or other thing of value, is engaged in the business of selling, exchanging, buying, offering or attempting to negotiate a sale or exchange of an interest in motor vehicles; or

(b) Who is engaged wholly or in part in the business of selling *new or used* motor vehicles, including *new or used* motor driven cycles, whether or not such *new or used* motor vehicles are owned by such person, firm or corporation.

(c) "New motor vehicle dealer" means a person franchised by a factory or factory distributor to sell its motor vehicles at retail.

(d) "Used motor vehicle dealer" means any person engaged in the business of selling motor vehicles at retail who is not a factory franchised dealer.

(2) The term "motor vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court, and any bank, trust company or lending institution which is subject to state or federal regulation as such, with regard to its disposition of repossessed motor vehicles;

(b) Public officers while performing their official duties; or

(c) Employes of persons enumerated in subsection (a) and (b) of this subsection, when engaged in the specific performance of their duties as such employes.

(3) "Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer to sell *either new or used* motor vehicles.

(4) The term "board" means the Motor Vehicle Dealers Board.

(5) The term "commissioner" means the Commissioner of Motor Transportation.

(6) "Motor vehicle" means any motor driven vehicle re-

quired to be registered or licensed before being operated upon the highways.

(7) The term "department" means the Department of Motor Transportation.

(8) "Licensor" means either the commissioner or the department or both.

(9) "Manufacturer" means any person, resident or nonresident who *manufactures* [manufacturers] or assembles motor vehicles.

(10) "Distributor" or "wholesaler" means a person, resident or nonresident who sells or distributes motor vehicles to licensed motor vehicle dealers, or who maintains distributor representatives.

(11) "Factory branch" means a branch office maintained by a person who manufactures or assembles motor vehicles, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising in whole or part, its representatives.

(12) "Distributor branch" means a branch office similarly maintained by a distributor or wholesaler for the same purposes.

(13) "Factory representative" means a representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers.

(14) "Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.

(15) "Person" means a person, partnership, firm, corporation or association.

(16) "Motor vehicle auction" means the business of, or providing facilities for, the selling, soliciting motor vehicles to be sold, or advertising the sale of motor vehicles at auction on the wholesale level by and between duly licensed motor vehicle dealers, except that vehicles may be consigned to such an auction by persons not holding a dealer's license.

Section 2. Section 190.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) No *new or used* motor vehicle dealer, or motor vehicle salesman shall engage in the business as such in this state without a license therefor as provided in KRS 190.010 to 190.080. If any motor vehicle dealer acts as a motor vehicle salesman he shall secure a motor vehicle salesman's license in addition to a license for a motor vehicle dealer.

(2) No manufacturer of motor vehicles, or factory branch, or distributor or distributor branch, or wholesaler shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(3) No factory representative or distributor representative shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(4) No person shall engage in the business of conducting a motor vehicle auction without a license therefor as provided in this Chapter.

(5) No person other than one holding a license authorizing him to engage at some level in the business of buying or selling motor vehicles shall be premitted to participate in the buying or selling at any motor vehicle auction conducted by a person licensed to hold same. Participation in the buying or selling at such auction by any unauthorized person shall be ground for suspension or revocation of the persons motor vehicle auction license. A person properly licensed in another state as a motor vehicle dealer at any level shall be considered to be duly licensed with reference to this section, provided the state in which he is licensed extends the same or similar privileges to Kentucky licensees. This section shall not apply to peace officers or employees of the Department of Motor Transportation.

(6) [(4)] Application for license shall be made to the licensor, at such time, in such form and contain such information as the licensor shall require and shall be accompanied by the required fee. The licensor may require in such application, or otherwise, information relating to the applicant's solvency, his financial standing or other pertinent matter commensurate with

the safeguarding of the public interest in the locality in which said applicant proposes to engage in business, all of which may be considered by said licensor in determining the fitness of said applicant to engage in business as set forth in this section. *In the event the application is for a new motor vehicle dealer's license, it shall be accompanied by evidence of the applicant's possession of a franchise from the manufacturer of such new motor vehicles.*

(7) [(5)] All licenses shall be granted or refused within 30 days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted, except that where a complaint of unfair cancellation of dealer franchise is in the process of being heard, no replacement application for such franchise shall be considered until a decision is rendered by the *Department* [board].

(8) [(6)] The license fee for such calendar year, or part thereof, shall be as follows, effective January 1, *1969* [1967].

(a) For *new* motor vehicle dealers, fifty dollars for each office or branch or agent thereof, plus one dollar for a supplemental license for each used car lot not immediately adjacent to the office or to a branch, [.] *but not more than 1,000 feet therefrom.*

(b) For used motor vehicle dealers, fifty dollars for each office and branch thereof.

(c) [(b)] For motor vehicle manufacturers, fifty dollars; and for each factory branch in this state, five dollars.

(d) [(c)] For distributors or wholesalers, the same as for dealers.

(e) [(d)] For motor vehicle salesmen, five dollars.

(f) [(e)] For factory representative, or distributor branch representative, five dollars.

(g) For motor vehicle auctions, one hundred dollars.

(9) [(7)] The licenses of dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the licensor shall indorse the change of location on the license without charge if it

be within the same municipality. A change of location to another municipality shall require a new license.

(10) [(8)] Every salesman, factory representative or distributor representative shall carry his license when engaged in his business, and display the same upon request. The license shall name his employer, and in case of a change of employer, the salesman shall immediately mail his license to the licensor who shall indorse such change on the license without charge.

(11) [(9)] Provided the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this statute the licensor may require such applicant or licensee to furnish and maintain a bond in such form, amount and with such sureties as it shall approve, but not less than five thousand dollars, nor more than fifteen thousand dollars, conditioned upon such applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by any person by reason of any acts of the licensee constituting grounds for suspension or revocation of his license hereunder. The bonds shall be executed in the name of the state of Kentucky for the benefit of any aggrieved parties, but the penalty of said bond shall not be invoked except after a court adjudication thereof. The above bonding requirements shall not apply to manufacturers, factory branches, and their agents.

(12) [(10)] Application for dealers license shall be submitted to the department in duplicate and contain such information as the department may require. No motor vehicle dealer, unless licensed under KRS 190.010 to 190.080, shall be permitted to register, receive, or use any motor vehicle registration plates.

(13) [(11)] Every motor vehicle dealer licensed in accordance with the provisions of this section shall make reports to the licensor at such intervals and showing such information as the licensor may require.

Section 3. A new section of Chapter 190 of the Kentucky Revised Statutes is enacted to read as follows:

No license authorizing a person to engage in the business of conducting a motor vehicle auction shall be issued unless that

person executes a bond to the Department for the benefit of any aggrieved person in the principal sum of $25,000 with a corporate surety thereon, authorized to do business in the Commonwealth of Kentucky conditioned upon the said licensees faithful performance in delivering a good legal title to the purchaser of any car sold by him, and to account to the appropriate person for any monies received for the sale of any vehicles on consignment.

Section 4. A new section of Chapter 190 of the Kentucky Revised Statutes is enacted to read as follows:

No new motor vehicle dealer shall display, offer for sale, advertise or sell as a new and unused motor vehicle any vehicle other than a make or brand for which he is a franchised dealer. No motor vehicle auction or used motor vehicle dealer shall display, offer for sale, advertise or sell a motor vehicle as a new and unused motor vehicle. A violation of this section shall be grounds for withholding, suspending or revoking the license of said dealer.

HB 458, AN ACT relating to motor vehicle sales and the regulation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 109.063 of the Kentucky Revised Statutes is amended to read as follows:

All records of the board, including those maintained by the department for its account, shall be public records. [All persons holding any license which is authorized by this chapter, as of June 16, 1966, shall have the right to continue to hold, maintain, and renew such license after June 16, 1966, subject only to the suspension or revocation thereof pursuant to the provisions of this chapter.]

HB 500, AN ACT relating to operator's licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 186.414 is amended to read as follows:

Applications for renewal licenses shall be according to the following schedule:

(1) Persons whose family names begin with the letters "A" through "K" inclusive, shall before August 1, 1958, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1960, and shall be renewed every two years during the applicant's birth month thereafter.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive shall, before August 1, 1959, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1961, and shall be renewed every two years during the applicant's birth month thereafter.

(3) Any person who is a resident of this state and who has obtained an operator's license in the manner provided for in this chapter, which has not been cancelled, suspended or revoked for any reason provided for in this chapter, and who is in the active service of the armed forces of the United States shall *be deemed to have a valid operator's license in effect for a period up until ninety days following date of honorable discharge from the armed forces.* [, upon written application to the circuit court clerk of the county in which he resides, be granted an extension of his operator's license beyond the periods set forth in subsections (1) and (2) of this section. Upon application the circuit court clerk shall issue to the applicant a written certification of operator's license extension. The extension so granted shall be effective so long as the applicant is an active member of the armed forces or six years from the date of the application whichever is less.]

HB 596, AN ACT relating to city and suburban bus and taxicab companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 138.662 is amended to read as follows:

(1) City and suburban bus companies *and taxicab companies* operating under a certificate of convenience and necessity issued pursuant to KRS Chapter 281 shall be entitled to a refund of five-sevenths of the amount of KRS Chapter 138 taxes paid on motor fuels used in their regularly scheduled operations in Kentucky.

(2) No person shall be entitled to a refund hereunder unless he shall have first filed with the Department of Revenue a bond issued by a surety company authorized to do business in Kentucky in an amount of not less than one thousand dollars nor more than five thousand dollars to be determined by the Department of Revenue, conditioned upon faithful compliance with this section and upon the payment to the Commonwealth of any refunds to which he was not entitled.

(3) Applications for refund shall on or before the last day of each month following the quarter, September 30, December 31, March 31, and June 30, be made to the Department of Revenue on forms and in the manner prescribed by it for the refund of tax paid on motor fuel used by buses *or taxicabs during the* quarter. Each application for a refund shall show the number of gallons of motor fuel purchased during the quarter for use in buses *or taxicabs;* the date and quantity of each purchase; the vendor from whom such fuel was purchased; the number of gallons on which refund is claimed; and such other information as the Department of Revenue may require. The application shall be made under oath.

(4) The Department of Revenue shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the Department of Revenue is satisfied that a refund is proper it shall authorize five-sevenths of the amount of the tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current motor fuel receipts.

(5) When the Department of Revenue finds that an application for a refund contains a false or fraudulent statement or that a refund has been fraudulently obtained, the Department

of Revenue shall refuse to grant any refunds to the person making such false or fraudulent statement or fraudulently obtaining a refund for a period of two years from the date of such findings.

(6) The Department of Revenue may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(7) The refund provided herein shall be effective on motor fuel purchased *June 15, 1968* [July 1, 1962] and thereafter.

HB 610, AN ACT relating to motor vehicle sales and mobile home sales and the regulation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 190 of the Kentucky Revised Statutes is enacted to read as follows:

The Department of Motor Transportation is hereby authorized to issue commissions to its employees as law enforcement officers and such employees when so commissioned shall have all the powers of peace officers in respect to the enforcement of KRS 190.010 through KRS 190.080 and KRS 190.180 through KRS 190.991.

The Committee on Banking and Insurance reported **SR 51, SB 115, SB 271** and **SB 290** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 51, A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to continue its study of the Kentucky Insurance laws and prepare a proposed substantive revision.

WHEREAS, Senate Resolution No. 51, adopted by the 1966 Kentucky General Assembly, authorized and directed the Legislative Research Commission to make a study of the Kentucky insurance laws, which study was undertaken beginning August 1, 1966 and is presently continuing, and

WHEREAS, under Public Law 15, enacted by Congress in 1945, certain specified federal regulatory laws are declared inapplicable to the business of insurance to the extent that their activities are regulated by the several states, and Congress has authorized several studies concerning the ability and propriety of the state to regulate the business of insurance, and

WHEREAS, it has been determined during the course of the current study that much of the present insurance laws of this state have become disorganized and a source of confusion since the enactment of the insurance code in 1950, and

WHEREAS, it has further been determined during the course of the study that it is difficult to find an applicable law, if any, on many important subjects and to ascertain the intent of the General Assembly in regard thereto, and

WHEREAS, it has further been determined that there are many current subjects on which no laws have been enacted, and

WHEREAS, the National Association of Insurance Commissioners and a number of legaslative commissions and councils of other state governments, as well as the federal government, are conducting and continuing studies aimed at revision of the insurance laws,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is authorized and directed to continue its study of the Kentucky insurance laws, and shall cause to be prepared a proposed substantive revision of the Kentucky insurance code, and present same to the 1970 Regular Session, together with any additional findings and recommendations.

Section 2. The Legislative Research Commission shall be empowered to appoint an advisory committee to assist in preparing the proposed substantive revision.

Section 3. The Attorney General's office and the Department of Insurance shall furnish to the Commission such informa-

tion, advice, and assistance that they may have, and cooperate with the Commission in continuing this study and in the preparation of the revision of the Kentucky Insurance laws, particularly with regard to their respective experiences and any information available from similar departments of other states, as well as any pertinent reports or proceedings of the National Association of Insurance Commissioners and the National Association of Attorneys General.

SB 115, AN ACT relating to industrial loan corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 291.510 is amended to read:

(1) In the case of loans made under KRS 291.410 to 291.600 the corporation shall not take any assignment, pledge or transfer of wages to be earned or paid in the future, nor any first lien or first mortgage on real estate as security, except such lien as is created by virtue of a judgment or decree. Nothing in KRS 291.470 to 291.510 is intended to prevent leading institutions from making loans with second or other junior mortgages on real estates as security, which loans are hereby authorized.

(2) No corporation shall split up or divide a loan, or permit any person to be obligated to it under more than one contract of loan at the same time for the purpose of obtaining a greater charge than would otherwise be permitted under KRS 291.470 to 291.510.

(3) Every note made under KRS 291.460 and under KRS 291.470 to 291.510 shall contain the following information and provisions: The principal amount of the loan excluding any charge made under KRS 291.460 or 291.470 to 291.510; a statement of the total charge for the loan made under KRS 291.460 and under KRS 291.470 to 291.510; the amount and date of each installment; the date of final maturity; an agreement that the borrower may repay the loan in whole or in part at any time, and if the loan is paid in full before maturity, the borrower will receive a refund of the unearned portion of the charge, as required by KRS 291.470 to 291.510. At the time the loan is made,

the lending institution shall give the borrower either a copy of the note, or a statement of the transaction containing the provisions and information required to be contained in the note. The lending institution shall deliver a receipt for each payment; however, a cancelled check or a money order shall constitute a receipt.

(4) In advertising for loans subject to KRS 291.470 to 291.510 or subject to KRS 291.460, every advertisement shall conform to the following minimum requirement: Any statement of the amount of the loan shall be the original principal amount showing in detail the net proceeds to the borrower and any charge made under KRS 291.410 to 291.600.

(5) KRS 291.410 to 291.600 shall not prevent a corporation organized under the provisions of KRS 291.410 to 291.600 from purchasing or acquiring directly or indirectly [, notes,] chattel mortgages, installment or conditional sales contracts, embodying liens or evidencing title retention arising from the bona fide sales of goods or services by a seller of such goods or services, *or promissory notes whether secured or unsecured.*

SB 271, AN ACT relating to insuring of state property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes to be numbered KRS 56.185 is created to read as follows:

If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund equal or exceed two million dollars, the Department of Insurance shall compute a credit for each state agency which was charged premiums for such fiscal year. The credit shall operate to reduce the premium for the next fiscal year. The credit for each agency shall be calculated by taking the total amount of the Fund in excess of two million dollars and applying thereto a percentage for each state agency to be determined by taking the amount charged each state agency for premiums for that fiscal year and dividing it by premiums charged all state agencies for that fiscal year.

Section 2. Section 56.090 of the Kentucky Revised Statutes is amended to read as follows:

Before July 1 of each year the *Department* [Division] of Insurance shall fix, upon each public building and upon each class of personal property belonging to or controlled or used by the state or any agency of the state, the rate of premium that the *Department* [Division] of Insurance deems to be the average rate charged by responsible insurance companies doing business in this state for insurance against damage by fire and the perils included in extended coverage upon property of like kind and degree of risk. The premium and insurance shall be calculated upon ninety percent of the valuation. Before *September* [July] 1 of each year the *Department* [Division] of Insurance shall certify to the State Treasurer the premium to be charged against each agency of the state.

Section 3. Section 56.180 of the Kentucky Revised Statutes is repealed.

Section 4. Section 1 of this Act shall be effective for the fiscal year ending June 30, 1968.

Section 5. Section 2 of this Act shall become effective for the fiscal year beginning July 1, 1968.

SB 290, AN ACT relating to the regulation and control of the conduct of unauthorized insurers, corporations and persons not authorized to conduct the business of insurance within this state.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

(1) The purpose of this Act is to subject certain persons and insurers to the jurisdiction of the insurance commissioner and the courts of this state in suits by or on behalf of the state and insureds or beneficiaries under insurance contracts. The general assembly hereby declares that it is a subject of concern that many residents of this state hold policies of insurance issued

by persons and insurers not authorized to do insurance business in this state, thus presenting to such residents the often insuperable obstacle of asserting their legal rights under such policies in forums foreign to them under laws and rules of practice with which they are not familiar. The general assembly further declares that it is also concerned with the protection of residents of this state against acts by persons and insurers not authorized to do an insurance business in this state, by the maintenance of fair and honest insurance markets, by protecting the premium tax revenues of this state, by protecting authorized persons and insurers which are subject to regulation from unfair competition by unauthorized persons and insurers, and by protecting against the evasion of the insurance regulatory laws of this state.

(2) In furtherance of such state interest, the general assembly herein provides methods for substituted service of process upon such persons or insurers in any proceeding, suit or action in any court and substitute service of any notice, order, pleading or process upon such persons or insurers in any proceeding before the commissioner of insurance to enforce or effect full compliance with the insurance and tax laws of this state. In so doing, the state exercises its powers to protect residents of this state and to define what constitutes doing an insurance business in this state, and also exercises powers and privileges available to this state by virtue of Public Law 79-15, 79th Congress of the United States, Chapter 20, 1st Sess., S. 340, 59 Stat. L. 33; 15 U.S.C. 1011 to 1015 incl., as amended, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

(1) It shall be unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this state, as set forth in subsection (2) of this section, without a certificate of authority from the commissioner; provided, that this subsection shall not apply to:

(a) The lawful transaction of surplus lines insurance.

(b) The lawful transaction of reinsurance by insurers.

(c) Transactions in this state involving a policy lawfully

solicited, written, and delivered outside of this state covering only subjects of insurance not resident, located, or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy.

(d) Transactions involving contracts of insurance independently procured through negotiations occurring entirely outside of this state which are reported and on which premium tax is paid.

(e) Attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses.

(f) Transactions in this state involving life and group sickness and accident or blanket sickness and accident insurance or group annuities where the master policy of such groups was lawfully issued and delivered in a state in which the company was authorized to do an insurance business.

(g) Transactions in this state involving any policy of insurance issued prior to July 1, 1968.

(h) Insurance on vessels, craft or hulls, cargos, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy.

(2) Any of the following acts in this state effected by mail or otherwise is defined to be doing an insurance business in this state. The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term "insurer" as used in this section includes all corporations, associations, partnerships and individuals, engaged as principals in the business of insurance and also includes interinsurance exchanges and mutual benefit societies.

(a) The making of or proposing to make, as an insurer, an insurance contract.

(b) The making of or proposing to make, as guarantor or surety, any contract of guaranty or suretyship as a vocation and not merely incidental to any other legitimate business or activity of the guarantor or surety.

(c) The taking or receiving of any application for insurance.

(d) The receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof.

(e) The issuance or delivery of contracts of insurance to residents of this state or to persons authorized to do business in this state.

(f) Directly or indirectly acting as an agent for or otherwise representing or aiding on behalf of another any person or insurer in the solicitation, negotiation, procurement or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction of matters subsequent to effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurer in the transaction of insurance with respect to subjects of insurance resident, located or to be performed in this state. The provisions of this subsection shall not operate to prohibit full-time salaried employes of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance in behalf of such employer.

(g) The doing of any kind of insurance business specifically recognized as constituting the doing of an insurance business within the meaning of the statutes relating to insurance.

(h) The doing or proposing to do any insurance business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of the statutes.

(i) Any other transactions of business in this state by an insurer.

(3) (a) The failure of a company transacting insurance business in Kentucky to obtain a certificate of authority shall not impair the validity of any act or contract of such company and shall not prevent such company from defending any action at law or suit in equity in any court of this state.

(b) In event of failure of any such unauthorized insurer to pay any claim or loss within the provisions of such insurance contract, any person who assisted or in any manner aided directly or indirectly in the procurement of such insurance contract shall be liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of such insurance contract.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

Whenever the commissioner believes, from evidence satisfactory to him, that any company is violating or about to violate the provisions of Section 2 of this act, the commissioner may, through the attorney general of this state, cause a complaint to be filed in the circuit court of Franklin county to enjoin and restrain such company from continuing such violation or engaging therein or doing any act in furtherance thereof. The court shall have jurisdiction of the proceeding and shall have the power to make and enter an order or judgment awarding such preliminary or final injunctive relief as in its judgment is proper.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) No person or insurer shall directly or indirectly perform any of the acts of doing an insurance business as defined in this Act except as provided by and in accordance with the specific authorization by statute. However, should any unauthorized person or insurer perform any act of doing an insurance business as set forth in this Act, it shall be equivalent to and shall constitute an irrevocable appointment by such person or insurer, binding upon him, his executor or administrator, or successor in interest if a corporation, of the commissioner of insurance or his successor in office to be the true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding in any court arising out of doing an insurance business in this state or instituted by or on behalf of an insured or beneficiary arising out of any such acts of doing an insurance business, except in an action, suit or proceeding by the commissioner of insurance or by the state. Any act of doing an insurance business by any

unauthorized person or insurer shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such person or insurer.

(2) Service of process shall be made by delivering to and leaving with the commissioner of insurance or some person in apparent charge of his office two copies thereof and the payment to him of such fees as provided in KRS 304.095. The commissioner of insurance shall forthwith forward by certified mail one of the copies of such process to the defendants at the last known principal place of business and shall keep a record of all process so served. Such service of process shall be sufficient to provide notice if:

(a) A copy of the process is sent within ten days thereafter by certified mail by plaintiff or plaintiff's attorney to the defendant at the last known principal place of business.

(b) The defendant's receipt or receipt issued by the post office showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed and an affidavit by the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the Clerk of the court in which such action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

(3) Service of process in any such action, suit, or proceeding shall in addition to the manner as provided in this Act be valid if served upon any person within this state who, in this state on behalf of such insurer, is soliciting insurance, making, issuing, or delivering any contract of insurance, or collecting or receiving any premium, membership fee, assessment, or other consideration for insurance, and if:

(a) A copy of such process is sent within ten days thereafter by certified mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant.

(b) The defendant's receipt, or the receipt issued by the post office showing the name of the sender of the letter and the

name and address of the person to whom the letter is addressed, and an affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

(4) No plaintiff shall be entitled to a judgment by default under this Act until the expiration of thirty days from date of the filing of the affidavit of compliance.

(5) Nothing in this section shall limit or abridge the right to serve any process, notice, or demand upon any insurer in any other manner now or hereafter permitted by law.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

(1) Any act of doing an insurance business as set forth in this Act by any unauthorized person or insurer is equivalent to and shall constitute an irrevocable appointment by such person and insurer, binding upon him, his executor or administrator, or successor in interest if a corporation, of the secretary of state or his successor in office, to be the true and lawful attorney of such person or insurer upon whom may be served all legal process in any action, suit, or proceeding in any court by the commissioner of insurance or by the state and upon whom may be served any notice, order, pleading or process in any proceeding before the commissioner of insurance and which arises out of doing an insurance business in this state by such person or insurer. Any act of doing an insurance business in this state by an unauthorized person or insurer shall be signification of its agreement that any such legal process in such court action, suit, or proceeding and any such notice, order, pleading, or process in such administrative proceeding before the commissioner of insurance so served shall be of the same legal force and validity as personal service of process in this state upon such person or insurer.

(2) Service of process in such action shall be made by delivering to and leaving with the secretary of state or some person in apparent charge of his office, two copies thereof. Service upon the secretary of state as such attorney shall be service upon the principal.

(3) The secretary of state shall forthwith forward by certified mail one of the copies of such process or such notice, order, pleading, or process in proceedings before the commissioner to the defendant in such court proceeding or to whom the notice, order, pleading, or process in such administrative proceeding is addressed or directed at the last known principal place of business and shall keep a record of all process so served on him which shall show the day and hour of service. Such service is sufficient, provided:

(a) Notice of such service and a copy of the court process or the notice, order, pleading, or process in such administrative proceeding is sent within ten days thereafter by certified mail by the plaintiff or the plaintiff's attorney in the court proceeding or by the commissioner of insurance in the administrative proceeding to the defendant in the court proceeding or to whom the notice, order, pleading, or process in such administrative proceeding is addressed or directed at the last known principal place of business of the defendant in the court or administrative proceeding.

(b) The defendant's receipt or receipts issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person or insurer to whom the letter is addressed, and an affidavit of the plaintiff or the plaintiff's attorney in court proceeding or of the commissioner of insurance in administrative proceeding, showing compliance therewith are filed with the clerk of the court in which such action, suit, or proceeding is pending or with the commissioner in administrative proceedings, on or before the date the defendant in the court or administrative proceeding is required to appear or respond thereto, or within such further time as the court or commissioner of insurance may allow.

(4) No plaintiff shall be entitled to a judgment or a determination by default in any court or administrative proceeding in which court process or notice, order, pleading, or process in proceedings before the commissioner of insurance is served under this section until the expiration of forty-five days from the date of filing of the affidavit of compliance.

(5) Nothing in this section shall limit or abridge the right

to serve any process, notice, order, or demand upon any person or insurer in any other manner now or hereafter permitted by law.

(6) The attorney general upon request of the commissioner may proceed in the courts of this state or any other state or in any federal court or agency to enforce an order or decision in any court proceeding or in any administrative proceeding before the commissioner of insurance.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

(1) Before any unauthorized person or insurer files or causes to be filed in any pleading in any court action, suit or proceeding or in any notice, order, pleading, or process in such administrative proceeding before the commissioner instituted against such person or insurer, by services made as provided in Sections 4 or 5 of this Act, such persons or insurer shall either:

(a) Deposit with the clerk of the court in which such action, suit, or proceeding is pending, or with the commissioner of insurance in administrative proceedings before the commissioner, cash or securities, or file with such clerk or commissioner a bond with good and sufficient sureties, to be approved by the clerk or commissioner in an amount to be fixed by the court or commissioner sufficient to secure the payment of any final judgment which may be rendered in such action or administrative proceeding.

(b) Procure a certificate of authority to transact the business of insurance in this state.

(2) The court in any action, suit, or proceeding in which service is made as provided in Section 4 of this Act, or the commissioner of insurance in any administrative proceeding before the commissioner in which service is made as provided in Section 5 of this Act, may in his or its discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of subsection one of this section and to defend such action.

(3) Nothing in subsection one of this section shall be con-

strued to prevent an unauthorized person or foreign or alien insurer from filing a motion to quash a writ or to set aside service thereof made in the manner provided in sections 4 and 5 of this Act, on the ground that such unauthorized person or insurer has not done any of the acts enumerated in section 2 of this Act.

(4) In an action against an unauthorized person or insurer upon a contract of insurance issued or delivered in this state to a resident thereof or to a corporation authorized to do business therein, if the person or insurer has failed for thirty days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was without reasonable cause, the court may allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action. Failure of the person or insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was without reasonable cause.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

(1) Whenever the commissioner of insurance has reason to believe that insurance has been effectuated by or for any person in this state with an unauthorized insurer the commissioner shall in writing order such person to produce for examination all insurance contracts and other documents evidencing insurance with both authorized and unauthorized insurers and to disclose to the commissioner the amount of insurance, name and address of each insurer, gross amount of premium paid or to be paid and the name and address of the person or persons assisting or aiding in the solicitation, negotiation, or effectuation of such insurance.

(2) Every person investigating or adjusting any loss or claim on a subject of insurance in this state shall immediately report to the commissioner every insurance policy or contract which has been entered into by any insurer not authorized to transact such insurance in this state.

(3) Every person who, for thirty days after receipt of

written order pursuant to subsection one of this section, neglects to comply with the requirements of such order or who willfully makes a disclosure that is untrue, deceptive, or misleading shall forfeit fifty dollars.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

(1) Effective with all premiums collected during the calendar year 1968, except premiums on lawfully procured surplus lines insurance, every unauthorized insurer shall pay to the commissioner of insurance before March 1, next succeeding the calendar year in which the insurance was so effectuated, continued, or renewed a premium tax of two percent of gross premiums charged for such insurance on subjects resident, located, or to be performed in this state. Such insurance whether procured through negotiation or an application, in whole or in part occurring or made within or outside of this state, or for which premiums in whole or in part are remitted directly or indirectly from within or outside of this state, shall be deemed to be insurance procured or continued in this state. The term "premium" includes all premiums, membership fees, assessments, dues, and any other consideration for insurance. If the tax prescribed by this section is not paid within the time stated, the tax shall be increased by a penalty of twenty-five percent and by the amount of an additional penalty computed at the rate of one percent per month or any part thereof from the date such payment was due to the date paid.

(2) If the policy covers risks or exposures only partly in the state, the tax payable shall be computed on the portions of the premium which are properly allocable to the risks or exposures located in the state. In determining the amount of premiums taxable in this state, all premiums written, procured, or received in this state and all premiums on policies negotiated in this state shall be deemed written on property or risks located or resident in this state, except such premiums as are properly allocated or apportioned and reported as taxable premiums of any other state or states.

(3) (a) Proration of premium taxes due from an indus-

trial insured under a contract procured from an unauthorized insurer having property in states other than Kentucky, shall be determined by rules and regulations promulgated by the commissioner using the following criteria where applicable:

(b) Percentage of physical assets in Kentucky;

(c) Percentage of employe payroll in Kentucky;

(d) Percentage of sales in Kentucky; and

(e) Percentage of taxable income reportable in Kentucky.

(4) The attorney general, upon request of the commissioner of insurance, shall proceed in the courts of this state or any other state or in any federal court or agency to recover such tax not paid within the time prescribed in this section.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

Any unauthorized foreign or alien insurer who does any unauthorized act of an insurance business as set forth in this Act shall be fined not more than five thousand dollars. In addition to any other penalty provided for in this Act or otherwise provided by law, any person or insurer violating this Act shall forfeit to the state the sum of five hundred dollars for each offense and an additional sum of five hundred dollars for each month during which any such person or insurer continues such violation.

Section 10. A new section of the Kentucky Revised Statutes is created to read:

(1) (a) Other than section 8, this Act shall not apply to any insurance company or underwriter issuing contracts of insurance to industrial insureds, nor to any contract of insurance issued to any one or more industrial insureds.

(b) For purposes of this section, an "industrial insured" is:

1. An insured who procures the insurance of any risk or risks other than life and annuity contracts by use of the services of a full-time employe acting as an insurance manager or buyer or the services of a regularly and continuously retained qualified insurance consultant; and

2. An insured whose aggregate annual premiums for insurance on all risks total at least twenty-five thousand dollars; and

3. An insured having at least twenty-five full-time employes.

Section 11. A new section of the Kentucky Revised Statutes is created to read:

This Act shall not apply to any life insurance company organized and operated, without profit to any private shareholder or individual, exclusively for the purpose of aiding educational or scientific institutions organized and operated without profit to any private shareholder or individual by issuing insurance and annuity contracts directly from the home office of the company and without agents or representatives in this state only to or for the benefit of such institutions and to individuals engaged in the services of such institutions, nor to any policy or contract which it issues; but this exemption shall be conditioned upon any such company complying with the following requirements;

(a) Payment of an annual registration fee of five thousand dollars;

(b) Filing a copy of any policy or contract issued to Kentucky residents with the commissioner;

(c) Filing a copy of its annual statement prepared pursuant to the laws of its state of domicile, as well as such other financial material as may be requested, with the commissioner; and

(d) Providing, in such form as may be acceptable to the commissioner, for the appointment of the commissioner as its true and lawful attorney upon whom may be served all lawful process in any action on proceeding against such company arising out of any policy or contract it has issued to, or which is currently held by, a Kentucky citizen and process so served against such company shall have the same form and validity as if served upon the company.

Section 12. This Act may be cited as the "Kentucky Unauthorized Insurers Act."

Section 13. A new section of the Kentucky Revised Statutes is created to read:

If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision and to this end the provisions of this Act are declared to be severable.

Section 14. The following sections of the Kentucky Revised Statute sare hereby repealed: KRS 304.580, 304.582, 304.583, 304.584, and 304.597.

The Committee on Appropriations and Revenue reported **SB 269** with Committee Amendment attached thereto, **SB 392,** and **SB 37** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 269, AN ACT relating to the state sales and use taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 139.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage use or other consumption of which, this state is prohibited from taxing under the Constitution or laws of the United States, or under the Constitution of this state;

(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:

(a) Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container;

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract of public works executed prior to February 5, 1960;

(4) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale;

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

(6) Gross receipts from sales of tangible personal property made in one, *five and ten cent* portions through vending machines.

Committee Amendment to **SB 269** is as follows:

Amend printed copy of Senate Bill 269 on page 1, by:
inserting between lines 2 and 3, the following:
"There are excluded from the computation of the amount of taxes imposed by this chapter:"

SB 392, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 133.020 is amended to read:

(1) *Effective January 1, 1969,* the county board of supervisors *and any panel thereof* shall be composed of reputable *real* property owners residing in the county *at least five years,* to be appointed by the county judge [annually in April]. The board

shall consist of three members appointed from the county at large [unless the county judge shall by order direct that the board be composed of one member from each magisterial district in the county]; provided, however, that when any city of the first, second or third class elects prior to *January* [April] 1 of any year to adopt the county assessment as provided in KRS 132.285, [the board shall consist of only three members and] the county judge shall appoint as one of the three members of this board a person who shall have been nominated in writing by the mayor of *the largest city in the county using the county assessment.* [such city; however,] should the number of appeals to the board of supervisors filed with the county clerk exceed one hundred, the county judge, with approval of the Department of Revenue, may appoint additional members to serve as panels of the board. [, provided further, however, that] The number of additional members shall not exceed three for each one hundred additional appeals. The county judge shall designate one of the members to serve as chairman of the board. Where additional members are appointed, as provided herein, the chairman of the board shall designate one member of each additional panel as chairman of the panel. A majority of the board or of any panel may determine the action of the board or panel respectively and make decisions therefor. Each panel of the board shall have the same powers and duties given the board by KRS 133.120, except that all notices of increase in assessment by the board or any panel thereof shall be signed by the chairman of the board, *and further that the action of any panel shall be subject to review by the board.* The County Judge shall appoint a person having the qualifications required of the original appointee *to the board* to fill a vacancy resulting from any cause, *but the appointees shall hold office only to the end of the unexpired term of the member replaced.* The county clerk shall make sufficient copies of the order of appointment and deliver a copy to each supervisor within a reasonable time after his appointment.

(2) One member shall be appointed initially for a two year term. One member shall be appointed initially for a three year term. One member shall be appointed initially for a four year term. Thereafter, all appointments to the board shall be for a four year term.

(3) One member of the board shall have extensive knowledge of real estate values. The remaining members shall be persons with general business or farming background.

(4) The board shall be subject to call by the county judge any time prescribed by law.

(5) [(2)] The supervisors, before entering upon the discharge of their duties, shall take the following oath: "You swear that you will to the best of your ability discharge the duties required of you as a member of the county board of supervisors [."] *and that you will fix at fair cash value all property assessments brought to the attention of the board as prescribed by law."*

Section 2. KRS 133.030 is amended to read:

(1) The board of supervisors shall convene at the county seat [on the first week day in May in 1954 and] on the second Monday in May in each year [thereafter]; except that no meeting shall be held until the tax roll has been completed and until after the inspection period provided by law. All records of the county tax commissioner, *including all data concerning property sales within the preceding year,* shall be available to the board of supervisors while meeting.

(2) The first regular meeting day of the board shall be devoted to a review of the appeals filed with the county clerk as clerk of the board and an inspection of the properties involved in the appeals when in the opinion of the board such inspection will assist in the proper determination of fair cash value.

(3) [(2)] The board of supervisors shall continue in session *only such time as is necessary to hear* [until all] appeals *and review assessments as provided in KRS 133.120.* [are heard and decided, except that it] *The Board* shall not continue in session more than *one day if there are no appeals to be heard* [ten days after it convenes in 1954] nor more than five days after it convenes in each year [thereafter;] unless an extension of time is authorized by the Department of Revenue upon request of the county judge. Each supervisor shall be paid *not less than* ten *nor more than twenty-five* dollars for each day he serves, *the amount to be fixed by order of the fiscal court annually prior to May 1.*

[except that if the board consists of more than three members, each supervisor shall be paid five dollars for each day he serves]. This compensation shall be paid one-half out of the county levy and the other half out of the State Treasury.

(4) Members of additional panels of the board shall serve at the pleasure of the county judge, provided however, that their appointment shall be limited to the time necessary for hearing appeals but in no case more than five days except upon approval of an extension of time by the Department of Revenue. Compensation of panel members shall be in the same manner and at the same rate as provided for members of the board.

Section 3. KRS 133.160 is amended to read:

When it is contemplated by the Department of Revenue that it will be necessary to raise the assessed valuation of property in any county, it shall give notice of the contemplated action to the county court, the superintendent of any school district affected by such action, the mayor of any city which is affected and which has adopted the assessment, and to the taxpayers of that county through the county judge, who shall post the notice sent him on the courthouse door and certify to the Department of Revenue that this has been done, and it shall fix a time and place for a hearing which may be in Frankfort or any convenient place in or nearer the county seat. [if the property of an individual owner is singled out for an increase, the owner shall be notified by the Department of Revenue by registered mail.]

Section 4. KRS 133.170 is amended to read:

(1) When the Department of Revenue has completed its equalization of the assessment of the property in any county, it shall certify its action to the county judge, with a copy of the certification for the county clerk, to be laid before the fiscal court of the county.

(2) If the fiscal court deems it proper to ask for a review of the *aggregate* equalization *of any class or subclass of property,* it shall direct the county attorney to prosecute an appeal *of the aggregate increase* to the Kentucky Board of Tax Appeals *within ten days from the date of the certification* [as provided by law].

(3) Within ten days from the date that the department's aggregate equalization of any or all classes or subclasses of property becomes final by failure of the fiscal court to prosecute an appeal or by order of the Kentucky Board of Tax Appeals or the courts, the fiscal court shall cause to be published, at least one time, in the newspaper having the largest circulation within the county, a public notice of the department's action.

(4) Within ten days from the date of the publication of the notice required in (3), any individual taxpayer whose property assessment is increased above its fair cash value by the equalization action may file with the county clerk an application for exoneration of his property assessment from the increase. The application shall be filed in duplicate and shall include the name and address of the person in whose name the property is assessed; the assessment of the property before the increase; the description and location of the property including the description shown on the tax roll; the property owner's reason for appeal and all other pertinent facts having a bearing upon its value. The county clerk shall forward one copy of each application for exoneration to the Department of Revenue and shall exclude the amount of the equalization increase from the assessment in the preparation of the property tax bill for each property for which an application for exoneration has been filed.

(5) The county judge shall reconvene the Board of Supervisors immediately following the close of the period for filing applications for exoneration from the increase. The Board shall schedule and conduct hearings on all applications in the manner prescribed for hearing appeals by KRS 133.120; however, the board shall not have authority to reduce any assessment to an amount less than that listed for the property at the time of adjournment of the regular board session.

(6) The county clerk shall act as clerk of the reconvened board and shall keep an accurate record of the proceedings in the same manner as provided by KRS 133.125. Within five days of the adjournment of the reconvened board, he shall notify each property owner in writing of the final action of the board with relation to the equalization increase and shall forward a copy of the proceedings certified by the chairman of the board and at-

tested by him to the Department of Revenue and to the other taxing districts participating in the tax.

(7) Any taxpayer whose application has been denied, in whole or in part, may appeal to the Board of Tax Appeals as provided in KRS 131.340, and appeals thereafter may be taken to the courts as provided in KRS 131.370.

(8) The provisions of KRS 132.120 (4) shall apply to the payment of taxes upon any property assessment for which an application for exoneration has been filed.

(9) The provisions of subsections (4), (5), (6), (7) and (8) of this section shall only apply to appeals growing out of equalization action by the Department of Revenue under the provisions of KRS 133.150.

SB 37, AN ACT relating to the filing of notice of federal tax liens for record and to make uniform law with respect thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Notices of liens upon real property for taxes payable to the United States, and certificates and notices affecting the liens shall be filed in the office of the county court clerk of the county in which the real property subject to a federal tax lien is situated.

(2) Notices of liens upon personal property whether tangible or intangible for taxes payable to the United States and certificates and notices affecting the liens shall be filed in the office of the country court clerk of the county where the taxpayer resides at the time of filing of the notice of lien.

Section 2. Certification by the Secretary of the Treasury of the United States or his delegate of notices of liens, certificates, or other notices affecting tax liens entitles them to be filed and no other attestation, certification, or acknowledgment is necessary.

Section 3. (1) If a notice of federal tax lien, a refiling of a notice of tax lien, or a notice of revocation of any certificate described in subsection (2) is presented to the filing officer de-

scribed in Section 1 of this Act, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the serial number of the District Director, and the total unpaid balance of the assessment appearing on the notice of lien.

(2) If a certificate of release, non-attachment, discharge or subordination of any tax lien is presented to the Clerk to the county court for filing he shall permanently attach the refiled notice or the certificate to the original notice of lien and shall enter the refiled notice or certificate with the date of filing in any alphabetical federal tax lien index on the line where the original notice of lien is entered.

(3) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, notice of federal tax lien or certificate or notice affecting the lien, filed on or after July 1, 1968, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing. The fee for a certificate is $.75. Upon request the filing officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of $1.50.

Section 4. The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien is:

(1) for a tax lien on real estate, $2.50;

(2) for a tax lien on personal property, $2.50;

(3) for a certificate of discharge or subordination, $.75;

(4) for all other notices, including a certificate of release or nonattachment, $.75.

The officer shall bill the district director of internal revenue on a monthly basis for fees for documents filed by them.

Section 5. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 6. This Act may be cited as the Uniform Federal Tax Lien Registration Act.

Section 7. KRS 382.480 to 382.500 are repealed.

Section 8. This Act shall take effect July 1, 1968.

Section 9. Filing officers with whom notices of federal tax liens, certificates and notices affecting such liens have been filed on or before July 1, 1968 shall, after that date, continue to maintain a file labeled "federal tax lien notices filed prior to July 1, 1968" containing notices and certificates filed in numerical order of receipt.

The Committee on Elections and Constitutional Amendments reported **SB 143, SB 146, SB 280** and **SB 384** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 143, AN ACT relating to study of the Constitution of the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 7.170 of the Kentucky Revised Statutes is repealed.

Section 2. A new section of Chapter 7 of the Kentucky Revised Statutes is created to read:

It shall be the duty of the Legislative Research Commission to carry on a program of study, review and re-examination of the Constitution. The program in adition to study and review shall be so designed and carried on as to analyze and appraise suggestions for amendment or revision advanced by interested persons or groups; and to secure considered public opinion respecting proposals for amendment or revision. The commission, from time to time, shall report to the General Assembly showing the results of its labors, and setting forth its recommendations for legislative action. If at any time a convention shall be held to revise or amend the Constitution, the commission shall advise and assist that body as far as possible, and shall report to it as and when requested.

SB 146, AN ACT providing for the taking of the sense of the people of the Commonwealth of Kentucky as to the necessity and expediency of calling a Convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to the same, as provided by Section 258 of said Constitution.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The sense of the people of the Commonwealth as to the necessity and expediency of calling a Convention for the purpose of revising or amending the Constitution of the Commonwealth of Kentucky, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by Section 258 of said Constitution.

(2) Upon the passage of this Act by a majority of all members elected to each house of the present General Assembly, that is when a majority of all the members of each house shall concur, by a yea and nay vote, to be entered upon their respective journals, this Act shall be spread upon the respective journals of each House as a law.

(3) If the next session of the General Assembly shall, in like manner, concur in this Act after it becomes a law as herein provided, the General Assembly shall provide for having a poll opened in each voting precinct in this State by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and place the votes of the qualified voters shall be taken for and against calling the Convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition is for calling a Convention, and if the total number of votes for the calling of the Convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify

the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a Convention to readopt, revise or amend the present Constitution of this State, and such amendments as may have been made thereto.

SB 280, AN ACT relating to campaign practices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 123.095 is amended to read:

(1) No contributions of money or other thing of value, nor obligation therefor, shall be made, and no expenditure of money or other thing of value, nor obligation therefor, shall be made or incurred in excess of $100.00, directly or indirectly, anonymously, in a fictitious name, or by a person or group in the name of another, to support or defeat a candidate in an election.

(2) All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to support or defeat a candidate shall be signed or identified by the words "paid for by" followed by the name and address of the committee and the treasurer on whose behalf the communication appears.

(3) For television and radio broadcasts compliance with Federal Communications Commission regulations regarding sponsored programs and broadcasts by candidates for public office shall be considered compliance with subsection (2).

SB 384, AN ACT relating to voting machines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this act, unless the context requires otherwise:

(a) "Automatic tabulating equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots or ballot cards and tabulate the results.

(b) "Ballot card" means a tabulating card on which votes may be recorded by means of punching or marking.

(c) "Ballot labels" means the cards, papers, booklet, pages or other material containing the names of offices and candidates and the statements of measures to be voted on, which are placed on the voting device.

(d) "Ballot" means a paper ballot on which votes are recorded, or alternatively may mean ballot cards and ballot labels.

(e) "Counting center" means one or more locations selected by the board of elections for the automatic counting of ballots.

(f) "Electronic voting system" means a system in which votes are recorded on a paper ballot or ballot cards by means of marking or punching, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting centers.

(g) "Voting device" means an apparatus which the voter uses to record his votes by marking or punching a hole in a paper ballot or tabulating card, which votes are subsequently counted by electronic tabulating equipment.

(h) "Fiscal court" means a fiscal court of a county containing a city of the first or second class.

Section 2. (a) The fiscal court of any county containing a city of the first or second class, in lieu of or in addition to any voting machines now authorized by law, may adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any electronic voting system herein authorized, and may use such system in all or a part of the precincts within its boundaries, or in combination with paper ballots or with other voting machines in any election or primary. The fiscal court, on the adoption and acquisition of an electronic voting system, shall provide for the payment therefor in such manner as they deem for the best interest of the locality.

(b) The provisions of this act shall be controlling with respect to elections where electronic voting systems are used, and shall be liberally construed so as to carry out the purpose of this act. The provisions of KRS Chapter 118 relating to the conduct of elections with paper ballots, insofar as they are

applicable and not inconsistent with the efficient conduct of elections with electronic voting systems, apply.

Section 3. Every electronic voting system, consisting of a marking or voting device in combination with automatic tabulating equipment, acquired or used in accordance with this article, shall:

(a) Providing for voting in secrecy when used with voting booths, except in the case of voters who have received assistance as provided by law;

(b) Permit each voter to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote; to vote for as many persons for an office as he is entitled to vote for; to vote for or against any question upon which he is entitled to vote; and the automatic tabulating equipment shall reject choices recorded on his ballot card or paper ballot if the number of choices exceeds the number which he is entitled to vote for the office or on the measure;

(c) Permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and their presidential electors;

(d) Permit each voter, at other than primary elections, to vote for the nominees of one or more parties and for independent nominees;

(e) Permit each voter to vote for candidates in the primary in which he is qualified to vote, and reject any votes cast for candidates of another party;

(f) Prevent the voter from voting for the same person more than once for the same office;

(g) Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

(h) Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted;

(i) When properly operated, record correctly and accurately every vote cast;

(j) Be provided with a mechanical model for instructing voters, and be so constructed that a voter may readily learn the method of operating it;

(k) Be safely transportable, and include a light to enable voters to read the ballot labels and instructions.

Section 4. No voting device or automatic tabulating equipment used in conjunction therewith to count and tabulate ballots shall be used in election in this state unless in combination they meet the requirements of Section 3, and have been approved by the fiscal court. The fiscal court may employ engineers and other skilled persons to advise and aid in the selection of the equipment and in determining the specifications thereof. When such device or equipment has been approved, any improvement or change which does not impair its accuracy, efficiency, or ability to meet such requirements shall not require a reexamination or reapproval thereof. Insofar as they are applicable, the provisions of KRS Chapter 125 relating to the examination and approval of voting machines shall apply to electronic voting system.

Section 5. (a) Ballots and ballot labels shall, as far as practicable, be in the same order of arrangement as provided for paper ballots, except that such information may be printed in vertical or horizontal rows, or in a number of separate pages which are placed on the voting device.

(b) Ballot labels shall be printed in plain clear type in black ink and, except in primary elections, upon clear white materials, of such size and arrangement as to fit the construction of the voting device. For primary elections said ballot labels may be printed upon clear white material or material of different colors, in the discretion of the board of election commissioners. Arrows may be printed on the ballot labels to indicate the place to punch the ballot card, which may be to the right or left of the name or proposition.

(c) The titles of offices may be arranged in vertical columns or in a series of separate pages, and shall be printed above or at the side of the names of condidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be

printed in one column or on one ballot page, the ballot or ballot label shall be clearly marked that the list of candidates is continued on the following column or page, and so far as possible, the same number of names shall be printed on each column or page.

(d) The names of candidates for each office shall be printed in vertical columns or on separate pages, grouped by the offices which they seek. In partisan elections the party designation of each candidate, which may be abbreviated, shall be printed following his name.

(e) The ballot shall include provision whereby the voter may by one mark or punch record a straight party ticket vote for all candidates of one party.

(f) Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided as required by law. At least three copies shall be posted in each polling place on election day. Sample ballots may be printed on a single page or on a number of pages stapled together.

(g) In elections in which voters are authorized to vote for persons whose names do not appear on the ballot, a separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the voter places his ballot card after voting, shall be provided if required to permit voters to write in the title of the office and the names of persons whose names are not on the ballot, for whom he wishes to vote.

Section 6. (a) The clerk shall provide voting devices, ballots, ballot boxes, ballot labels, ballot cards, "write-in" ballots and other supplies as required. Each ballot card shall have an attached perforated stub on which is printed a serial number, which shall be removed before the ballot card is deposited in the ballot box. The precinct number, and, in primary elections, the party designation shall be printed on each ballot card.

(b) Prior to any election at which electronic voting devices are used the board of election commissioners shall have the voting devices prepared for the election and the members of the board in the presence of representatives of the two major political parties shall direct the final inspection and sealing of

the voting devices before they are delivered to the election officers.

Section 7. Prior to elections the board of election commissioners shall instruct the precinct election officers in their duties. It shall prior to elections place voting devices on public display at such times and places as it may determine for the education of voters in their use.

Section 8. (a) Thirty minutes before the opening of the polls the precinct election officers shall arrive at the polling place and set up the voting booths so that they will be in clear view of the election officers, open the voting devices, place them in the voting booths, and examine them to see that they have the correct ballot labels by comparing them with the sample ballots, and are in proper working order. They shall open and check the ballots, ballot cards, supplies, records and forms, and post the sample ballots and instructions to voters.

(b) Each voter shall be instructed how to operate the voting device before he enters the voting booth. If he needs additional instruction after entering the voting booth, two election officers may if necessary enter the booth and give him such additional instructions.

(c) Any voter who spoils his ballot or ballot card may return it and secure another. The word "Spoiled" shall be written across the face of the ballot and it shall be placed in the envelope for spoiled ballots.

(d) Where ballot cards are used, the voter, after he has marked his ballot card, shall, before leaving the voting booth, place the ballot card inside the envelope provided for this purpose, with the stub extending outside the envelope, and return it to one of the judges of election, who shall remove the stub and return the ballot card to the voter who shall deposit the envelope with the ballot card inside in the ballot box. No ballot from which the stub has been detached shall be accepted by the judge in charge of the ballot box, but it shall be marked "SPOILED" and placed with the spoiled ballots.

(e) As soon as the polls have been closed and the last qualified voter has voted, the voting or marking devices shall be

sealed against further voting. All unused ballots or ballot cards shall be placed in a container and sealed for return to the board of elections.

(f) The precinct election officers shall prepare a report in duplicate of the number of voters who have voted, as indicated by the poll list, and shall place this report in the ballot box, which thereupon shall be sealed with a paper seal signed by the election officers so that no additional ballots may be deposited or removed from the ballot box. Two election officers of different political parties shall forthwith deliver the ballot box to the counting center or other designated place and receive a signed, numbered receipt therefor.

(g) The poll list, register of voters, unusued ballots and ballot cards, spoiled ballots, and other records and supplies shall be delivered as directed by the **board of elections.**

Section 9. (a) Prior to the start of the count of the ballots, the board of election commissioners shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication pursuant to KRS Chapter 424. The test shall be witnessed by representatives of the political parties, candidates, the press and the public. It shall be conducted by processing a pre-audited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made and certified to by the board before the court is started. The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved as official. On completion of the count the programs, test materials, and ballots shall be sealed and retained as provided for paper ballots.

(b) All proceedings at the counting center shall be under the direction of the board of election commissioners or persons

designated by it and shall be conducted under the observation of representatives of each political party and the public, but no person except those authorized for the purpose shall touch any ballot or ballot card or return. All persons who are engaged in processing and counting of the ballots shall be deputized in writing and take an oath that they will faithfully perform their assigned duties. If the ballot is damages or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All duplicate ballots shall be clearly labeled "duplicate," and shall bear a serial number which shall be recorded on the damaged or defective ballot.

(c) The return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, shall when certified by the board of election commissioners constitute the official return of each precinct or election district. The board may from time to time release unofficial returns. Upon completion of the count the official returns shall be open to the public.

(d) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the board of elections may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

Section 10. Absentee votes may be cast on paper ballots or ballot cards, or other methods may be used. Such ballots may be counted by automatic tabulating equipment or by special canvassing boards appointed by and under the direction of the board of election commissioners. A true copy of absentee paper ballots may be made on ballot cards, which after being duly verified in the presence of witnesses, shall be counted in the same manner as other ballot cards.

Section 11. Subject to the provisions of this act, the board of election commissioners may make all necessary and desirable provisions for the conduct of elections with approved electronic voting systems.

The Committee on State Government reported **SR 61, SB 367, SB 286, SB 283** with Committee Amendment attached thereto, **SB 301** and **SB 312** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 61, A JOINT RESOLUTION directing the Legislative Research Commission to undertake a comprehensive investigation and study of credit card plans, check credit plans, revolving credit plans and related credit devices, with particular reference to the need for legislation with respect thereto.

WHEREAS, there has been a rapid and substantial increase in the use and acceptance by the citizens of the Commonwealth of a variety of credit card plans, check credit plans, revolving credit plans and related credit devices as a method of obtaining credit and financial accommodations;

WHEREAS, the present statutes of the Commonwealth do not contain any comprehensive provisions relating to such plans or to the prevention of the fraudulent use or other abuse thereof;

WHEREAS, it is to the best interest of all the citizens of the Commonwealth that the benefits to and effects of such plans upon consumers in the Commonwealth and the desirability and advisability of enacting laws with respect thereto be investigated;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is authorized and directed to make an investigation and study of credit card plans, check credit plans, revolving credit plans and related credit devices and to make recommendations to the 1970 General Assembly of the Commonwealth of Kentucky for legislation which may be desirable or advisable in respect of the operation of such plans and the prevention of the fraudulent use or other abuse thereof.

Section 2. For the purposes of this study the Legislative Research Commission is authorized to create an advisory com-

mittee, whose members shall be composed of persons with responsible experience in all phases of such plans, representatives of interested groups and public-minded citizens, to advise and give counsel to the Legislative Research Commission.

SB 367, AN ACT to set standards controlling the use of advertising signs along highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 177.830 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 177.830 to 177.890, unless the context requires otherwise:

(1) "Limited-access highway" means a road or highway or bridge constructed pursuant to the provisions of KRS 177.220 through 177.310;

(2) "Interstate highway" means any highway, road, street, access facility, bridge or overpass which is designated as a portion of the National System of Interstate and Defense Highways as may be established by law, or as may be so designated by the Department of Highway in the joint construction of the system by the Department of Highways and the United States Department of *Transportation* [Commerce], Bureau of Public Roads;

(3) "Federal-aid primary highway" means any highway, road, street, appurtenant facility, bridge or overpass which is designated as a portion of the Federal-aid Primary Highway System as may be established by law or as may be so designated by the Department of Highways and the United States Department of *Transportation* [Commerce].

(4) "Turnpike" means any road or highway or appurtenant facility construction pursuant to the provisions of KRS 177.390 through 177.570 ,or pursuant to the provisions of any other definition of "turnpike" in the Kentucky Revised Statutes, or any other highway, road, parkway, bridge or street upon which a toll or fee is charged for the use of motor vehicular traffic;

(5) "Advertising device" means any billboard, sign, notice,

poster, display or other device intended to attract the attention of operators or motor vehicles on the highways, and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith. However, it does not include directional or other official signs or signals erected by the state or other public agency having jurisdiction;

(6) "Highway or highways" as used in KRS 177.830 to 177.890 means limited access highway, interstate highway, Federal-aid primary highway, or turnpike as defined in KRS 177.830 to 177.890.

(7) "Commercial or industrial zone" adjacent to a federal aid highway means an area zoned to permit business, commerce or trade pursuant to lawful ordinance or regulation.

(8) "Unzoned commercial or industrial area" adjacent to a federal aid highway means an area which is not zoned by State or local law, regulation or ordinance and on which either a commercial or industrial activity is conducted or a permanent structure therefor is located together with the area extending along the highway for such distances as may be determined by regulation promulgated by the Commissioner of Highways — all measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel the edge of the pavement of the highway.

(9) "Commercial or industrial activities" for purposes of unzoned industrial and commercial areas means those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.

2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

3. Activities normally or regularly in operation less than three months of the year.

4. Transient or temporary activities.

5. Activities not visible from the main traveled way.

6. Activities more than 300 feet from the nearest edge of the right of way.

7. Activities conducted in a building principally used as a residence.

8. Railroad tracks and minor sidings.

Section 2. Section 177.863 of the Kentucky Revised Statutes is amended to read:

Within any commercial or industrial zone or unzoned commercial or industrial area adjacent to a federal-aid primary highway, advertising devices shall be subject to the following standards:

(1) Prohibited Advertising Devices:

(a) Advertising devices that are not clean and in good repair.

(b) Advertising devices that are not securely affixed to a substantial structure.

(c) Advertising devices which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(d) Advertising devices which obstruct the view of official signs, or approaching and merging traffic.

(e) Advertising devices on trees, or painted upon natural features.

(f) Advertising devices exceeding 1,250 square feet on each face including border and trim, but excluding supports.

(g) Advertising devices advertising an activity that is illegal under State or Federal law.

(h) Obsolete advertising devices.

(2) Spacing of Advertising Devices:

(a) No advertising device structure designed to be primarily viewed from a non-limit Access Federal-aid Primary Highway shall be erected within 300 feet of any other such advertising device structure on the same side of the highway,

unless separated by a building, natural obstruction or roadway. Provided, however, that in an incorporated municipality such required distance shall be reduced to 100 feet.

(b) Double-face–V-type and/or back-to-back advetrising device structures shall be one advertising device for spacing purposes.

(c) The minimum distance between advertising devices shall be measured along the nearest edge of the pavement between points directly opposite the advertising devices.

(3) Size of Advertising Devices:

(a) The maximum area for any advertising device shall be 1,250 square feet, including border and trim but excluding supports.

(b) An advertising device structure may contain one or two advertisements per facing, not to exceed the maximum area.

(c) Double faced structures will be permitted with the maximum area being allowed for each facing.

(4) Lighting of Advertising Devices:

Advertising devices may be illuminated subject to the following restrictions:

(a) Advertising devices which contain, include or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Advertising devices which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way of the highway which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No advertising device shall be so illuminted that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

(5) Advertising devices advertising the sale or lease of the property on which they are located, or advertising the activity

conducted thereon, or permitted, and shall not cause any other advertising device to be in violation of this chapter; notwithstanding any contrary provisions.

[In areas adjacent to any road on the Federal-aid primary system, the Commissioner of Highways shall adopt regulations to carry out the provisions of KRS 177.830 to 177.850, 177.863, 177.867, which are not more restrictive than the regulations adopted by the United States Secretary of Commerce pursuant to Section 131, Title 23, United States Code or any amendment thereto.]

Section 3. Section 177.867 of the Kentucky Revised Statutes is amended to read:

The Commissioner of Highways is authorized to acquire by purchase, gift, or condemnation pursuant to Chapter 177 and [to] *shall* pay just compensation upon the removal of the following [outdoor] *advertising devices:* [signs, displays, and devices:]

(1) Those lawfully in existence on October 22, 1965,

(2) Those lawfully on any highway designated a part of the Interstate or primary system on or after October 22, 1965, and before January 1, 1968, and

(3) Those lawfully erected on or after January 1, 1968. [Such] Compensation *shall* [its authorized to] be paid for [only] the following:

(a) The taking from the owner of any such [sign, display, or] *advertising device* of all right title, leasehold, and interest in such [sign, display or] *advertising* device, and

(b) The taking from the owner of the real property on which the [sign, display, or] *advertising* device is located, of the right to erect and maintain such [signs, displays, and] *advertising* devices thereon.

Section 4. Section 177.890 of the Kentucky Revised Statutes is amended to read:

The Commissioner of Highways is hereby authorized to enter into agreements with the United States Secretary of [Commerce]

Transportation for the purpose of carrying out the national policy of promoting the safety, convenience and enjoyment of public travel and the free flow of interstate commerce and the protection of the public investment in the national system of interstate and defence highways *and federal aid primary highways* within the Commonwealth.

SB 286, AN ACT relating to filing financing statements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 355.9-403 is amended to read as follows:

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (a) within six months before and sixty days after a stated maturity date of five years or less, and (b) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and date filed and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2)

unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) Notwithstanding the provisions of KRS Ch. 64, the uniform fee for filing and indexing an original or a continuation statement shall be $3.75 [$3.25]. The fee includes the fee for filing and indexing a termination statement and for sending or delivering the terminated instrument and financing statement. The union fee for furnishing filing data for an original or a continuation statement shall be *$3.00* [$2.50].

Section 2. Subsection (2) of Section 186.045 of Kentucky Revised Statutes is amended to read as follows:

(2) (a) Whenever a financing statement required by KRS Chapter 355 relating to any vehicle registered or required to be registered in Kentucky for use on the highway is presented to a county clerk for filing, such clerk shall also immediately note information required by the department relative thereto on the owner's copy of the registration or transfer receipt issued for the current registration period as noted in subsection (2) of KRS 186.170, which the secured party must obtain and present to the county clerk, along with the financing statement, within ten days after execution of the security agreement. The clerk shall also note such information on the clerk's copy of the registration or transfer receipt maintained in his office in numerical order. The clerk noting the information on the owner's copy of the registration or transfer receipt shall return such receipt to the owner within five days after making such notation. For filing the financing statement, the clerk shall collect a fee of three dollars and *seventy-five* [twenty-five] cents from the secured party and,

in addition, for noting the security interest on the required receipts, the clerk shall collect from the secured party a fee of eighty-five cents for each motor vehicle included on the financing statement.

(b) When a financing statement affecting a vehicle is presented to a county clerk for filing in any county other than the one in which the current receipt was issued, the county clerk shall, in addition to the other requirements of this section, mail a notice of the security interest on a form furnished by the department to the clerk of the county in which the current receipt was issued. Upon receipt of said notice, the county clerk shall attach it to the copy of the current receipt on file, maintained in numerical order, in the county clerk's office and note the security interest on the clerk's copy of the receipt.

SB 283, AN ACT relating to motor vehicle operator licenses and fixing fees of circuit court clerk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.531 is amended to read:

1. The cost of operators licenses and permits shall be as follows:

(a) The fee for an original or renewal license shall be **four** [two] dollars;

(b) The fee for an instruction permit shall be fifty cents plus fifty cents for preparing and acknowledging such application; and

(c) The fee for a duplicate license shall be one dollar.

(2) The circuit clerk shall retain fees pertaining to applications and license fees in the following manner:

(a) Thirty-seven and one-half percent of any original and renewal licenses;

(b) Fifty cents for issuance of an instruction permit;

(c) Fifty cents for preparing and acknowledging an application for an instruction permit; and

(d) Seventy-five cents for preparing and acknowledging an application for a duplicate.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the Department of Revenue.

Section 2. From the fee for each original or renewal operator's license, $1.25 shall be credited to a special account within the Road Fund, and shall be used exclusively for the purpose of expanding the State Police and state driver education programs.

Committee Amendment to **SB 283** is as follows:

Amend printed copy of Senate Bill 283:

on page 2, lines 7, 8 and 9, by deleting those lines and substituting therefor the following:

"(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the Department of Revenue."

and on page 2, lines 10 to 14, by deleting all words after "Section 2" and substituting therefor the following: "From the fee for each original or renewal operator's license, twenty-five cents shall be credited to a special account within the Road Fund, and shall be used exclusively by the Department of Public Safety for the purpose of expanding the state driver education program, and twenty-five cents shall be paid to the fiscal court of the county where the driver's license is issued to be used by the fiscal court for county road purposes."

SB 301, AN ACT relating to riverports.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 65.510 of the Kentucky Revised Statutes is amended to read:

As used in KRS 65.510 to 65.650, unless the context otherwise requires:

(1) "Riverport authority" or "authority" means an authority established as provided in KRS 65.510 to 65.650;

(2) "Riverport facilities" includes land, wharves, landings, buildings, equipment, and other improvements and appurte-

nances necessary or proper for the establishment, [and] maintenance, *operation, and expansion* of riverports;

(3) "Governmental *unit* [units]" means *a city or a county* [any city or the combination of any two or more cities, any county or combination of two or more counties, or any city or cities acting jointly with any county or counties];

(4) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof; and

(5) "Industrial *park* [Park]" includes land which is held, owned, or optioned for present or future industrial or commercial development.

Section 2. Section 65.520 of the Kentucky Revised Statutes is amended to read:

(1) Any governmental unit by act of its legislative body, *or any two or more governmental units acting jointly by acts of their legislative bodies, and with the approval of the Kentucky Port and River Development Commission,* may establish a [non-profit] developmental riverport authority to be composed of six members.

(2) The authority shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with and do all things reasonable or necessary to effectively carry out the *powers and* duties prescribed by KRS 65.510 to 65.650. *The authority may exercise all powers granted to governmental agencies by KRS 58.010 to 58.140. The authority may exercise all powers, consistent with its powers and duties stated in this Chapter, granted by KRS 273.210 to corporations governed by KRS 273.160 to 273.290.*

Section 3. Section 65.530 of the Kentucky Revised Statutes is amended to read:

(1) The *purposes* [purpose] of the authority shall be to establish, maintain, operate and *expand* [expend] necessary and

proper riverport and river navigation facilities and to *acquire* [purchase, option, hold, and receive by gift] and develop *property, or rights therein* [land] within the economic environs of the *riverport* [port] or proposed *riverport* [port] to attract directly or indirectly river oriented industry. It shall have the duty and such powers as may be necessary or desirable to promote and develop navigation, [including] river transportation, riverports, and riverport facilities, and to attract industrial or commercial operations to the property held as industrial parks.

(2) The authority shall establish and fix reasonable rates, charges and fees for the use of the riverport facilities which shall be published in a newspaper of general circulation in the county in which the riverport is located. In fixing such rates, charges or fees the authority may take into consideration, among other factors, the total capital investment of the authority, the revenue needed properly to maintain such facilities, the revenue needed properly to expand the riverport and its facilities, the portion of the facilities utilized by the licensee or contracting party and its customers and the volume and type of business conducted. Any party aggrieved by the rates, charges or fees may appeal from the action of the authority to the circuit court of the county within which the authority operates, within ninety days from the date that the authority finally publishes such rates, charges or fees and gives notice of same to the contracting party or licensee. The circuit court may hear evidence and determine whether or not the rates, charges or fees are, or are not, reasonable in amount. Appeal from the judgment of the circuit court may be prosecuted as any other civil appeal.

(3) The authority shall also have power, from time to time, to fix rates, charges or fees by contract, or by publishing general rates, charges or fees for commercial vendors, concessionaires or other persons for the use or occupancy of riverport facilities under such terms and conditions as it may deem to be in the best interest of maintaining, operating or expanding necessary riverport facilities, and the public use thereof.

(4) The authority may acquire by contract, lease, purchase, *option*, gift, condemnation or otherwise any real or personal property, or rights therein, necessary or suitable for estab-

lishing, *developing, operating* [operation] or expanding riverports, *riverport facilities,* [and] water navigation facilities, *including spoilage areas for the disposal of materials dredged from river bottoms in an effort to improve the navigability of rivers,* and [may acquire by contract, lease, purchase, or gift real or personal property or rights therein for the establishment and use as an] industrial *parks* [park] or *sites* [site] *within the economic environs of the riverport or proposed riverport.* The authority may erect, equip, operate and maintain on such property buildings and equipment necessary and proper for riverport and water navigation facilities. The authority may dispose of any real or personal property, or rights therein, which in the opinion of the authority *is not* [are no longer] needed for [operating or expanding the] *use as* riverport or water navigation facilities, or use as [an] industrial *parks* [park] or *sites.* The authority may *lease, sell,* [or] convey, *or assign its interest in* [any or all] land owned, [or] optioned, *or otherwise held* by it to any *person* [public or private organization, governmental unit, or industry] for the purpose of constructing and/or operating any industrial or commercial facility *or for the purpose of acting as the authority's agent or licensee in effectively carrying out any of its powers and duties.*

(5) *With the consent of the legislative body of the governmental unit in which the property to be condemned is located, the* [The] authority may by resolution, reciting that the property *cannot be acquired by purchase or agreement and* is needed for *riverport* [riverports or], water navigation, *or industrial* purposes [including spoilage areas for the disposal of materials dredged from river bottoms in an effort to improve the navigability of the river at that point] *in accordance with the powers set forth in KRS 65.530 (4),* direct the condemnation of any property. The procedure for condemnation shall conform to the procedure set out in *KRS 158.140* [KRS 416.120].

(6) The [local port] authority may apply for, receive authorization for, establish and operate a foreign trade zone, as permitted by 19 U.S.C. Section 81, provided approval is obtained from the *Kentucky Port and River Development* Commission.

Section 4. Section 65.540 of the Kentucky Revised Statutes is amended to read:

(1) The members of the authority shall be appointed as follows:

(a) If the authority is established by a city, such member shall be appointed by the mayor of the city;

(b) If the authority is established by a county, such member shall be appointed by the county judge;

(c) If the authority is established as a joint city-county riverport authority, three members shall be appointed by the mayor and three members by the county judge;

(d) If a combination of cities and/or county judges involved shall jointly choose six members, and shall jointly choose successors.

(2) Members of the authority shall serve for a term of four years each, and until their successors are appointed and qualified, provided, however, that initial appointments shall be made so that two members are appointed for two years, two members for three years and two members for four years. Upon expiration of these staggered terms, successors shall be appointed for a term of four years.

(3) A riverport authority member may be replaced by the appointing authority *for inefficiency, neglect of duty, malfeasance, or conflict of interest.* [upon a showing to such appointing authority of misconduct as a riverport authority member or upon conviction of a felony.] *The appointing authority shall submit a written statement to the riverport authority setting forth the reasons for removal, and the statement shall be read a the next authority meeting, which shall be open to the general public. The member so removed shall have the right of appeal in the circuit court.* No riverport authority member shall hold any official office with the appointing authority.

Section 5. Section 65.570 of the Kentucky Revised Statutes is amended to read:

(1) Members of the authority shall serve without compensation but shall be reimbursed for any actual and necessary

expenses incurred by them in the conduct of the affairs of the authority. The authority shall, upon the appointment of its members, organize and elect officers. The authority shall choose a chairman and vice-chairman who shall serve for terms of one year. The authority may fix a salary for the secretary-treasurer, and the secretary-treasurer shall execute an official bond to be set and approved by the authority, and the cost thereof shall be paid by the authority.

(2) The authority may employ *or retain* necessary counsel, *agents,* [and] employes *or other persons* to carry out its *purposes,* work and functions and *may* prescribe such rules and regulations as it deems necessary.

(3) The secretary-treasurer shall keep the minutes of all meetings of the authority and shall also keep a set of books showing the receipts and expenditures of the authority. He shall preserve on file duplicate vouchers for all expenditures and shall present to the authority, upon request, complete reports of all financial transactions and the financial condition of the authority. Such books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the authority was created. He shall transmit at least once annually a detailed report of all acts and doings of the authority to the legislative body or bodies by whom the authority was created.

Section 6. Section 65.580 of the Kentucky Revised Statutes is amended to read:

In order to provide money for *the costs of administration, operation, maintenance, and development and for* the purchase, *lease, option, or holding* of property, *or rights therein,* necessary *or proper* for the *purposes contemplated in KRS 65.510 to 65.650* [establishment or expansion of riverports and to construct, equip, and maintain facilities necessary or suitable for riverport purposes], the legislative body of any governmental unit creating the riverport authority under KRS 65.510 to 65.650 may *annually appropriate funds to the authority* [make an annual appropriation from its general fund]; or such governmental unit may make an annual levy to collect a tax on taxable property situated in the governmental unit for such riverport development. Any ap-

propriation shall be made by the legislative body in such amounts, in such proportion and upon such terms as the legislative body may determine. All funds derived from such appropriation or tax shall be turned over to the riverport authority for the purpose of carrying out the duties and powers of the authority.

Section 7. Section 65.590 of the Kentucky Revised Statutes is amended to read:

The authority may borrow money *from any source* on its own credit in anticipation of revenue to be derived from taxes, appropriations or other income, *and for* [For] such purposes the authority may pledge the taxes, appropriations or income anticipated. The authority may pledge *its assets, including, but not by way of limitation, real or personal property held for the purposes contemplated in KRS 65.510 to 65.650* [the riverport and the riverport facilities], as security for moneys borrowed.

Section 8. Section 65.600 of the Kentucky Revised Statutes is amended to read:

[(1)] The authority is authorized to defray the cost of acquiring any *real or personal property for the purposes contemplated in KRS 65.510 to 65.650* [land or riverport facilities] through the issuance of revenue bonds, and for that purpose the authority shall have all the powers and duties that are granted to or imposed upon governmental units *by law* [and the legislative bodies thereof].

[(2) The authority may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and improve riverports and riverport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law and term "governmental agency" means the authority and the term "public project" means riverports and riverport facilities.]

Section 9. Section 65.620 of the Kentucky Revised Statutes is amended to read:

The title to all property acquired by the authority shall vest in the authority [. All property acquired for the establishment and maintenance of a riverport or riverport facilities] *and all*

such property shall be exempt from taxation to the same extent as other property used for public purposes. All *revenue of the authority* [fees charged by the authority or collected by the authority for the admission to or use of the riverport or its facilities] shall also be exempt from taxation.

Section 10. Section 65.630 of the Kentucky Revised Statutes is amended to read:

The [acquisition of any lands for the purpose of establishing riverports or riverport facilities; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipping and operation of riverports and riverport facilities, and the] exercise of any *power* [other powers] granted to *a* riverport *authority* [authorities] in KRS 65.510 to 65.650 *is* [are] hereby declared to be *a* public *function* [and governmental functions], exercised for a public purpose, and *as a matter* [matters] of public necessity, and *any real or personal property, or rights therein,* [such lands and other property, easements and privileges] acquired *by a riverport authority* and used [by such riverport authorities] in the manner and for the purposes enumerated in KRS 65.510 to 65.650 *is* [shall and are] hereby declared to be acquired and used for public [and governmental] purposes and as a matter of public necessity.

SB 312, AN ACT relating to hearings by Personnel Board on disciplinary actions taken by appointing authorities and judicial review thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 18.270 of the Kentucky Revised Statutes is amended to read:

Any classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service may, within thirty days after such dismissal, demotion, suspension or penalization, *petition* [appeal to] the Personnel Board for *a hearing thereon* [review thereof]. Upon such *hearing* [review], both the *petitioning* [appealing] employe and the appointing authority whose action is *involved*

[reviewed] shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts. At the hearing [of such appeals], technical rules of evidence shall not apply *and the burden of proof shall be assumed by the appointing authority who took the disciplinary action.* If the Personnel Board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reason, *or without legal cause,* the employe shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his suspension *or dismissal.* In all other cases, the findings and recommendations of the Personnel Board shall be submitted to the appointing authority for his consideration, who may, not later than thirty days after receipt of such findings and recommendations, reinstate the employe with or without pay for the period of the suspension, *or dismissal,* modify his original decision of suspension, demotion, or discharge, or continue his original decision. When any employe is dismissed and not reinstated after such *hearing* [appeal], the Personnel Board in its discretion may direct that his name be placed on an appropriate re-employment list, for employment in any similar position other than the one from which he had been removed. *The Personnel Board shall make a finding as to whether the disciplinary action was taken for legal cause.* Any action or decision taken or made hereunder shall be [final and not] subject to judicial review.

(1) An appeal to the Franklin Circuit Court may be taken from any final action, decision, or final order of the board by anyone who was a party to the proceeding. Such appeal may be taken by filing a petition of appeal with the Clerk of the Franklin Circuit Court within twenty days after the rendition of the decision. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the board. Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service of summons. The board shall, upon being served with the summons, and within thirty days thereafter, file a copy of the record, duly certified by the commissioner, the cost of such record

to be taxed as costs upon appeal. In lieu of filing of such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

(2) In case of appeal, no new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this chapter and affecting the order; the court shall hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether the board acted without or in excess of its power, the order was procured by fraud, the order is in conformity to the provisions of this chapter, and the findings of fact in issue are supported by any substantial evidence. On such appeals, the court may, in advance of judgment and upon a sufficient showing of facts, remand the case to the board.

(3) The court shall enter judgment confirming, modifying or setting aside the decision or, in its discretion, remanding the case to the board for proceedings in conformity with the directions of the court.

(4) Any party may appeal from the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure, and such appeal shall have precedence of other cases pending in the Court of Appeals.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The Personnel Board and the Department at the direction of the Board may employ investigators either full time or part time for the purpose of determining whether the provisions of this chapter are being carried out by the respective department and agency personnel.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Personnel Board may contract for the reporting of the public hearings and may fix the terms and conditions under which transcripts will be supplied by the reporter to the Board and other parties to the proceeding.

(2) All hearings by the Board shall be heard by the full Board or a quorum of the full Board, except that any one member of the Board may be authorized to hear any individual review or proceeding by the written order of the chairman of the Board. The decision in any proceeding heard by a single member shall be made and entered by a majority of the Board.

(3) The Board may provide by regulations that hearing and review proceedings may be conducted by a hearing examiner who shall be an employee of the department and an attorney licensed to practice in the Commonwealth. At the conclusion of the hearing, the examiner shall make a report and recommended order, which report and recommended order shall contain a finding of fact and a conclusion of law, and such report and recommended order shall be served by mail upon each of the parties. Any of the parties thereto may, within twenty days after the date of the report and recommended order, file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed within twenty days after the date of the filing of exceptions. Thereafter the Board shall consider and pass upon the case. When passed upon by the Board, the decision shall be served by mail upon all parties and shall be a final order of the Board.

Section 4. *Whereas, there are presently pending numerous petitions, filed before the Personnel Board by employes of State Government, seeking relief from disciplinary actions taken by appointing authorities, and it appearing that the substantial rights of suspended or dismissed employes have been affected or may be affected within the immediate future, under Section 55 of the Kentucky Constitution an emergency is declared to exist. And this Act shall become effective upon its passage and approval by the Governor.*

The Committee on Elections and Constitutional Amendments reported **HB 506, HB 511, HB 512** and **HB 600** without expression of opinion.

The Speaker vacated the Chair. Speaker Pro Tem McBrayer presiding.

HR 108, by Representative Holbrook: A RESOLUTION requesting the Highway Department to resurface the roads leading from Mayking to Pine Creek, Cram Creek and Bottom Fork in Letcher County.

WHEREAS, the roads leading from Mayking in Letcher County to the homes along Pine Creek, Cram Creek and Bottom Fork constitute the only outlet for persons living along those creeks; and,

WHEREAS, these roads were surfaced with bitumen some years ago and have a solid base suitable for resurfacing, but are presently in a state of disrepair and need resurfacing;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That the Department of Highways be and it hereby is requested and petitioned to resurface the roads leading from Mayking to Pine Creek, Cram Creek and Bottom Creek in Letcher County, with blacktop, at the earliest possible date; and

2. That a copy of this resolution be sent to William B. Hazelrigg, Commissioner of the Department of Highways.

Representative Holbrook moved the adoption of **HR 108.** Agreed.

The Speaker resumed the Chair.

Orders of the Day

Representative Clapp moved that the Rules be suspended for the purpose of making a motion.

On the roll call the vote was yeas 56—Akers, Alexander, Arnett, Baker, Bamberger, Bleemel, Bowles, Brown, Bruce, Clapp, Clark, Cruse, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Hampton, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, James, Jones, Justice, Keith, Kessinger, Lankford, Lassiter, Louden, Maddox, Massey, McKinney, Melton, Mershon, Robert L. Miller, Morgan, Murphy, Peace, Prather, Russell Reynolds,

Richey, Rickert, Russell, Saylor, Simmons, Smith, Vanover, Webster, Wells, Wesley, White, Wolchik. Nays 7—Blume, Hardin, Kidd, McBrayer, Pettit, Siemens, Walters.

The motion that the Rules be suspended for the purpose of making a motion was adopted.

Representative Clapp moved that the House refrain from placing any Senate Bills on passage until the Senate refers **HR 84** to a Committee.

Representative Clapp requested that the motion that the House refrain from placing any Senate Bills on passage until the Senate referred **HR 84** to a Committee be withdrawn. Agreed.

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Rules reported **HB 562, HB 559, HB 501, HB 588, HB 491, HB 125, HB 602,** and **HR 62** with the expression of opinion that the same should pass.

Representative Stuart moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions

HR 106, by Representatives Stuart and Louden: A RESOLUTION requesting the United States Treasury Department to keep the tax exempt status of municipal industrial development revenue bonds.

WHEREAS, the United States Department of the Treasury has just announced its intention, on March 15, 1968, to promulgate an administrative regulation which will have the effect of destroying the tax exempt nature of municipal bonds issued for the purpose of constructing industrial properties for lease to manufacturing concerns which undertake to give employment to Kentucky residents, and

WHEREAS, Kentucky cities (and later counties) have been

authorized since 1946 to issue tax exempt industrial building revenue bonds, and the Court of Appeals, as the highest Court in Kentucky, has determined that said bonds are issued for public purposes, and

WHEREAS, since the time of Chief Justice Marshall, it has been recognized that "the power to tax is the power to destroy", and consequently in a Federal System of Government, one Government should not have the right or authority to tax the interest on bonds of another Government, without its consent, and

WHEREAS, it is clearly apparent that even the Congress has never attempted to impose income taxes on interest derived from municipal bonds, and even as late as last August, the Secretary of the Treasury admitted publicly that no authority existed for the imposition of such taxes, and that he could not bring about the imposition of such taxes by administrative ruling, and

WHEREAS, the proposed administrative action of the Treasury Department violates all previously accepted principles, and represents an unexpected change in the policy of the Treasury Department, and

WHEREAS, cities and counties in Kentucky have sold 137 municipal industrial revenue bond issues totaling $395,795,000 which have created 27,171 jobs directly in manufacturing plants, and

WHEREAS, many cities, counties, and companies, in reliance upon the previous rulings, and in particular in reliance upon the admission of Secretary Fowler that nothing could be done to destroy this type of bond issue without Congressional legislation, and

WHEREAS, fourteen Kentucky cities are now attempting to finance new or expanded industrial plants with an investment of $188,310,000 with municipal industrial revenue bonds which will create 4,948 direct manufacturing jobs, and

WHEREAS, the sudden and unexpected change in policy of the Treasury Department will result in many cases in a loss of these already instituted projects to the communities, and will result in a loss of expenditures already made in many cases, and

WHEREAS, equity requires, at the very least, that a period of time be allowed in which already instituted projects may be completed by the sale and delivery of bonds, and

WHEREAS, there is no moral or equitable justification for the prohibition of state aid to industry through the tax exemption when the Federal Government allows special tax credit to industry.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Department of the Treasury of the United States be and it is hereby requested to refrain from the adoption of any regulation which would remove the tax exempt status of municipal industrial development revenue bonds, and to continue the treatment of all municipal industrial development bonds as tax exempt municipal obligations.

That copies of this resolution shall be sent to the President of the United States, the Secretary of the Treasury, the Commissioner of Internal Revenue, and to each member of the Congressional Delegation of the Commonwealth of Kentucky.

HR 106 was passed and the title agreed to.

Orders of the Day (Cont.)

Representative Morgan moved that the House concur in the following Conference Committee Amendment to the House Committee Substitute to **SB 214.**

Amend printed copy of House Committee Substitute for Senate Bill 214 on pages 2 and 3 by deleting all of the lines 23 through 28 on page 2 and all of the lines 1 through 12 on page 3, and on page 3 line 15 by substituting the figure $388,400.00 to the figure $438,400.00 and on page 3 line 16 by substituting the figure 1,126,650.00 for the figure 1,176,650, and on page 5 line 5 by substituting the figure 1,045,040 for the figure 1,095,040.00 and on page 5 line 6 by substituting the figure 1,883,136 for the figure 1,933,136.00.

Agreed.

On the roll call the vote was yeas 73—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Bowles, Brown, Clapp, Clark, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Floyd, Greer, Halleck, Hampton, Hardin, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Massey, May, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 0.

SB 214 as amended was passed and the title agreed to.

Representative Morgan moved that the House notify the Senate that it refuses to concur in the following request to return **SR 21:**

The Senate respectfully requests this Honorable Body to return Senate Resolution 21: RESOLUTION rescinding S.R. No. 8 adopted by the General Assembly at the 1st Extra Session in 1965 applying to Congress for a Convention to amend the U. S. Constitution, to the Senate for further consideration.

On the roll call the vote was yeas 47—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Cox, Curlin, Dawhare, Floyd, Halleck, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Isler, Keith, Kidd, Louden, Maddox, May, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Morgan, Pettit, Prather, Ray, Russell, Simmons, Stuart, Vanover, Walters, Wheeler, White, Wright. Nays 20—Bruce, J. A. Davis, W. F. Davis, DeMarcus, Greer, Hoe, Huff, James, Kessinger, Lankford, Lassiter, R. L. Miller, Murphy, Peace, Rattliff, Saylor, Schmidt, Smith, Webster, Wesley.

The motion that the House notify the Senate that it refuses to concur in its request to return **SR 21** was adopted.

HB 586 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that

it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73—Akers, Alexander, Allen, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White. Nays 8—Baker, Bowles, Cox, Huff, Prather, Rickert, Saylor, Wesley.

HB 586 was passed and the title agreed to.

Representative Mitchell moved that the vote by which **HB 586** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 543 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmidt moved the adoption of the following Amendment to **HB 543:**

Amend printed copy of House Bill 543 on page 1, lines 1-11, by:

deleting lines 1 to 11 and substituting therefor the following:

"Section 1. The opening clause and subsection (11) of KRS 157.320 are amended to read as follows:

As used in KRS 157.310 to 157.440, unless the context otherwise requires:

(11) "Required local tax effort" means the amount of money required to be provided by a district from *tax* revenue sources *only*;

Section 2. Subsection (2) of KRS 157.360 is amended to read as follows:

(2) In allotting classroom units for elementary and secondary schools, one classroom unit shall be included for each twenty-seven pupils in average daily attendance; provided, however, that one classroom unit shall be included for each isolated one-teacher school and one unit shall be included for each twenty-five pupils in average daily attendance at all other isolated schools. [; provided, however, that one twenty-seventh of a classroom unit shall be included for each pupil in average daily attendance at Lincoln Institute if such attendance is under provisions of a written contract between Lincoln Institute and the district of the pupils' legal residence.]

Section 3. KRS 157.400 is amended to read as follows:

(1) The amount of money distributable to each district from the public school foundation program fund shall be determined by subtracting the required local tax effort from the total foundation program allotment for the district as determined in KRS 157.390.

(2) (a) If it shall be determined in subsection (1) that the amount of money distributable to a school district for the school year [1966-67] *1968-69* shall be less than [one hundred fifty-nine] *two hundred and two* dollars per pupil in average daily attendance and, beginning in the [1967-68] *1969-70* school year, that the amount of money distributable to a school district shall be less than [one hundred seventy-six] *two hundred thirty-five* dollars per pupil in average daily attendance, then the apportionment for that district shall be increased to [one hundred fifty-nine] *two hundred and two* dollars per pupil in average daily attendance in [1966-67] *1968-69,* and beginning in the [1967-68] *1969-70* school year the apportionment for that district shall be increased to [one hundred seventy-six] *two hundred thirty-five* dollars per pupil in average daily attendance; provided, however, if a district fails to provide the total potential classroom units under KRS 157.360 subsections (2), (6), (7) and (8) and at least as many classroom units under KRS 157.360 subsections (4) and (5) as were provided in each of these subsections in 1955-56, any increase in the apportionment called for

in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(b) The average daily attendance referred to in this subsection shall be the prior year average daily attendance of the district adjusted proportionately for any increase in classroom units allotted the district under provisions of KRS 157.360 subsection (3).

(c) The classroom unit requirement under this subsection relating to classroom units under KRS 157.360 subsections (4) and (5) may be waived for any district by the Superintendent of Public Instruction when it is shown that the need for these educational services no longer exists.

(3) In the event a district whose appropriation is increased under subsection (2) of this section is allotted classroom units under KRS 157.360 subsections (4) and (5) in excess of the number of such units allotted that district in 1955-56, then the allotment to that district determined in subsection (2) of his section shall be increased by the foundation program cost of these units determined in accordance with KRS 157.390 subsections (2), (3), and (4).

(4) If the allotment to a school district as determined in subsections (2) and (3) is an amount less than the allotment per pupil in average daily attendance [in 1965-66,] *during the next immediately preceding fiscal year,* then the allotment shall be increased by an amount necessary to provide a per pupil average daily attendance allotment [in 1966-67 and in 1967-68] equal to the per pupil average daily attendance allotment [in 1965-66] *for the next immediately preceding year;* provided, however, if a district fails to provide the total potential classroom units under KRS 157.360 subsections (2), (6), (7), and (8) and at least as many classroom units under KRS 157.360 subsections (4) or (5) as were provided in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

[(5) If a district fails for any reason to make the required local tax effort, as provided in KRS 157.380, the amount of the apportionment of the public school foundation program fund to be paid to such district under subsections (1), (2), (3), and

(4) of this section shall be reduced by the percentage of loss from the required local tax effort.]

[(6) (5) So much of the public school foundation program fund which would not be distributed under subsections (1) through (5) inclusive of this section, due to the failure of one or more participating districts to meet the full requirements, shall be held in the account for distribution the following year among districts which meet the requirements for participation.

On the roll call the vote was yeas 73—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik. Nays 0.

HB 543 as amended was passed and the title agreed to.

Representative Schmidt moved that the vote by which **HB 543** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 409 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Rattliff, Ray, Russell

Reynolds, W. J. Reynolds, Richey, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 409 was passed and the title agreed to.

Representative Denham moved that the vote by which **HB 409** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative R. Miller moved that the Rules be suspended to reconsider the vote by which **HB 287** was defeated. Agreed.

Representative R. Miller moved the adoption of the following Amendment No. 3 to **HB 287:**

Amend printed copy of House Bill 287 Committee Substitute on page 6, line 24, by:

striking the word *two.* Remove the brackets around the word *four,* remove the period after the word education and add: ", or GED test or its equivalent."

Agreed.

Representative Clapp moved the adoption of the following Amendment No. 4 to **HB 287:**

Amend printed copy of Committee Substitute House Bill 287 on page 10, by inserting after line 23 the following:

"Section 6. Section 317.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees and charges collected by the cosmetologist board [and the barber board] shall be paid into the General Fund in the State Treasury and credited to a separate revolving or trust and agency fund account established for the purpose of administering the provisions of this chapter *as it relates to the cosmetologist board. All fees and charges collected by the barber board shall be paid into the General Fund in the State Treasury and credited to a separate revolving or trust and agency fund account established for the purpose of administering the provisions of this chapter as it relates to the barber board.* The cost and expenses of administering the provisions of this chapter including compensation to members of the boards and their officers and employes shall be paid out of the General Fund in

the State Treasury upon warrants of the Commissioner of Finance according to law provided that the total expense of administering these provisions shall not exceed the fees and other charges collected by the *respective* boards and available in the revolving or trust and agency fund account *of that board.*

(2) All fees and charges collected by *each of* the boards shall be available for the administration of the provisions of this chapter *as it relates to the respective board;* and for no other purpose.

Section 7. Section 317.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) By agreement of the barber board and the cosmetologist board persons employed by either may be designated as agents for both in such duties as may be assigned such employe in carrying out the provisions of this chapter.

(2) Such equipment, supplies and records as are now held by the Board of Barbers and Beauty Examiners, which is abolished by this chapter, shall be appropriately divided between the two boards created by this chapter according to the nature of such equipment, supplies and records.

(3) The principal offices of [both] *the* boards created by this chapter shall be located in such places as will enable the boards to have ready access to records and technical assistance of the State Department of Health.

(4) The State Department of Health shall give cooperation and technical advice and assistance to the boards created by this chapter.

[(5) The Governor shall appoint an executive director to act as fiscal agent who shall be a barber or cosmetologist or a person with five years experience or a person with five years training in the management of administrative affairs who shall act as coordinator of the administration of this chapter by the barber board and the cosmetologist board. The executive coordinator shall serve a term of four years unless sooner removed by the Governor, and receive a compensation set by the personnel board with the approval of the Governor and subject to

the general laws of the state. The Governor, after consultation with the boards, shall fix the duties of the executive coordinator.]

On the roll call the vote was yeas 27—Akers, Allen, Blandford, Blume, Bowles, Bruce, Clapp, Coffey, Cruse, Walter F. Davis, Greer, Harper, Henry, Hoe, Holbrook, Irick, James, Keene, Kidd, Clarence R. Miller, Robert L. Miller, Ray, Richey, Siemens, Smith, Wolchik, Wright. Nays 32—Alexander, Arnett, Bamberger, Cox, Curlin, J. A. Davis, DeMarcus, Denham, Hampton, Hinkle, Hoffman, Hunt, King, Lankford, Lassiter, Lawson, May, McKinney, Mershon, Murphy, Rattliff, R. Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Saylor, Stuart, Wesley, White, Wooley.

Amendment No. 4 to **HB 287** was rejected.

Representative King moved the adoption of the Previous Question on **HB 287** as amended.

On the roll call the vote was yeas 58—Akers, Alexander, Allen, Ballenger, Bamberger, Bowles, Brown, Bruce, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Hampton, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Irick, Isler, Johnson, Keene, Keith, Kessinger, Kidd, King, Lassiter, Lawson, Louden, May, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Simmons, Smith, Stuart, Tobin, Walters, Wheeler, Wolchik, Wooley, Wright. Nays 9—Blythe, Denham, Harper, Hoe, James, Lankford, Saylor, Siemens, Vanover.

The Previous Question was adopted.

On the roll call the vote was yeas 37—Akers, Bamberger, Blume, Bowles, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Halleck, Hardin, Irick, Isler, Jones, Kessinger, King, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Saylor, Siemens, Simmons, Smith, Stuart, Wheeler, Wooley, Wright. Nays 36—Alexander, Arnett, Baker, Ball, Blandford, Clark, Coffey, DeMarcus, Denham, Floyd, Greer, Hampton, Henry, Hinkle, Hoe, Hoffman, Huff, Hunt, James, Johnson,

Keene, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, Peace, Rattliff, R. Reynolds, Russell, Sartin, Tobin, Walters, Webster, White.

HB 287 as amended was defeated.

Representative DeMarcus moved that the vote by which **HB 287** as amended was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SR 62, SR 63, SB 184, SB 242, SB 276, SB 302, SB 308, SB 354, SB 403, SB 404, SB 340.**

Recess

Representative Morgan moved that the House recess until 7:00 p.m.

On the roll call the vote was yeas 51—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Bleemel, Bowles, Brown, Clapp, Cox, Cruse, James A. Davis, Denham, Floyd, Hampton, Harper, Hinkle, Hoe, Holbrook, Hopkins, James, Jones, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Smith, Vanover, Walters, Webster, Wells, White. Nays 16—Blythe, Clark, Curlin, Halleck, Henry, Huff, Keene, Peace, Ray, Rickert, Riddle, Schmdt, Siemens, Stuart, Wesley, Wooley.

The motion to recess was adopted.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (Cont.)

HB 526, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third

time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Ray moved the adoption of the Committee Amendment to **HB 526.** Agreed.

On the roll call the vote was yeas 52—Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Coffey, Cruse, Dawhare, Halleck, Hampton, Hardin, Hinkle, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Johnson, Justice, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, McBrayer, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Peace, Ray, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Siemens, Simmons, Vanover, Walters, Webster, Wells, Wesley, Wheeler, Wooley. Nays 13—Alexander, Bruce, Clark, Cox, Floyd, Henry, Hoe, Jones, Maddox, Prather, Riddle, Saylor, Smith.

HB 526 as amended was passed and the title agreed to.

Representative Ray moved that the vote by which **HB 526** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Business Organizations and Professions reported **SB 261** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 261, AN ACT relating to professional service corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 274.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation may provide for the pur-

chase or redemption of *all of* the shares of any shareholder within *a period not to exceed* one year after the death or disqualification to practice the profession of such shareholder, or for the purchase or redemption within said time of all of the shares of any shareholder desiring to sell them, all of whom are herein sometimes called "withdrawing shareholders" or, in default of such provisions in the articles of incorporation, the foregoing provisions and time limitation may be included in the by-laws of a professional service corporation, or, if no such provision and time limitation is made in the articles of incorporation or by-laws, they may be provided for by such private agreement or agreements as the stockholders and corporation may enter into. [Any such article, by-law or agreement shall provide that in the event of the death or disqualification of a shareholder or of the tender of his shares for redemption by a shareholder, all of the stock of such deceased or disqualified shareholder must be redeemed by said corporation within a period of one year following the death or disqualification of such shareholder or the tender of his stock for redemption by a shareholder.] *If such an article, by-law or agreement is adopted or provided for and* such stock is not redeemed by the corporation within said *one year* period, then within ten days following the end of said period the president and/or secretary of the corporation shall give notice thereof to the Secretary of State of Kentucky and, upon receipt of such notice by the Secretary of State, the charter of the corporation shall be immediately void.

(2) In the absence of such provisions in the articles of incorporation, by-laws or by private agreement, a professional service corporation shall redeem the shares of a withdrawing shareholder within ninety days after the death or disqualification of a shareholder or of the receipt by the corporation of written notice from a shareholder that he desires to sell or transfer all his shares of stock in the corporation upon terms mutually agreeable to the parties.

(3) If the sole shareholder of a professional service corporation organized pursuant to this chapter dies, it shall be the duty of his personal representative to so notify the Secretary of State, whereupon the charter of such corporation shall lapse.

(4) In the absence of (i) an article, by-law or agreement as provided for in subsection (1) of this section, or (ii) a sale as provided for within the time stated in subsection (2) of this section, a professional service corporation, within one hundred eighty days after the death or disqualification of a shareholder or within the same perod after receiving written notice from a shareholder that he desires the corporation to redeem all of his stock in the corporation, shall institute an equitable action for a determination of the fair market value of all of the shares of the corporations outstanding stock owned by such shareholder.

(a) The court shall designate a time for a hearing and at said hearing shall appoint a disinterested appraiser to determine the fair market value of such shares. The court shall administer an oath to the appraiser to honestly and faithfull discharge his duties and shall fix a time and place for the appraiser to begin hearing evidence on such fair market value. The appraiser shall have the powers conferred upon master commissioners by subsection (2) of KRS 27.100 and shall afford a reasonable opportunity to the corporation and the shareholder or personal representative of a deceased shareholder to introduce evidence on such fair market value. The appraiser shall conduct his hearings as expeditiously as practicable, and upon completion of the hearing shall report in writing to the court his determination of the fair market value of such shares and shall file with the court a written transcript of the testimony heard by him, together with all exhibits introduced as evidence.

(b) The corporation or any withdrawing shareholder may, within ten days after the filing of the appraiser's report, file exceptions thereto. Such exceptions shall be heard and decided by the court upon the evidence submitted to the appraiser as shown by the transcript. After hearing the exceptions to the appraiser's report, or if no exceptions thereto have been filed within the time hereinbefore provided for, the court shall enter final judgment determining such fair market value of the shares of each withdrawing shareholder and shall direct payment thereof by the corporation to each withdrawing shareholder and the surrender of the duly endorsed certificate or certificates representing his shares.

(5) If a professional service corporation fails to bring the

above provided for action for the redemption of its shares within the time provided, then within ten days after the end of said period, the president of the corporation, and if he be then dead, the Secretary thereof, shall so notify, in writing, the Secretary of State of Kentucky, and upon receipt of such notice by the Secretary of State of Kentucky, the charter of the professional service corporation shall be void.

(6) If the obligation of the corporation to redeem any shares of its outstanding stock as set out in subsections (1) to (5) of this section would render the corporation insolvent, then *within ten days* of demand for such redemption the corporation shall [forthwith] *commence* to liquidate and dissolve, *unless the remaining shareholders shall have prior thereto purchased all of the withdrawing shareholder's shares.* (1962, c. 236, § 10)

The Committee on Business Organizations and Professions reported **SB 170** without expression of opinion.

The Committee on Judiciary reported **SB 105** with Committee Amendment attached thereto, **SB 347, SB 381** and **SB 156** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 105, AN ACT relating to compensation of assistants and stenographers of Commonwealth's attorney in counties of 200,000 or more population.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.518 of the Kentucky Revised Statutes is amended to read as follows:

(1) The first and second assistant Commonwealth's attorneys appointed under KRS 69.070 shall each receive an annual salary of not less than $5,000 [nor more than $6,000]. One assistant Commonwealth's attorney shall receive an annual salary of not less than $4,000 [nor more than $6,000 as fixed by the fiscal court] and other assistant Commonwealth's attorneys appointed under KRS 69.070 shall each receive an annual salary of not less than $4,800. *The salaries in this subsection shall be fixed by*

the fiscal court in the county and shall not exceed the total compensation of the Commonwealth's attorney.

(b) The stenographers appointed under KRS 69.100 shall each receive an annual salary of less than $2,700. The stenographer appointed to perform the duties of record clerk shall receive an annual salary of not less than $3,600.

(2) The salaries described in subsection (1) of this section shall be paid in equal monthly installments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

(3) In judicial districts composed of one county containing a city of the second class and having a population of less than 200,000, the assistant Commonwealth's attorney shall receive an annual salary of not less than $4,000 nor more than $6,000 to be fixed by the fiscal court and paid out of the county levy in equal monthly installments.

Committee Amendment to **SB 105** is as follows:

Amend printed copy of Senate Bill 105 on page 1, line 12, by:
deleting after the word "shall" the word "not"
and on page 1, line 12, by inserting after the word "and" the word "none"

SB 347, AN ACT amending subsection (3) of House Bill No. 339 enacted by the General Assembly of the Commonwealth of Kentucky in the 1966 Regular Session, being subsection (3) of the Kentucky Revised Statutes 382.340.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of KRS 382.340 is hereby amended to read as follows:

(3) When such mortgage is lodged for record, as herein provided, it shall be [temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is] effective against purchasers for a valuable consideration without notice and against creditors as defined in KRS 382.270.

Section 2. That that portion of the language and symbols stricken from said section were embraced therein through obvious clerical or typographical error and should be stricken therefrom. It is further found that the language stricken by this Act from said subsection has created and is creating uncertainty and confusion which adversely affects substantial and important financing for the companies affected by said Act and the important and large security issues contemplated by a number of companies affected thereby. Now, therefore, an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

SB 381, AN ACT establishing a uniform system of recording, collecting, and publishing criminal justice statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

A Bureau of Criminal Identification and statistics shall be established under the direction, control and supervision of the Commissioner of the Department of Public Safety.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

The commissioner shall appoint a qualified person to administer this bureau. He shall have statistical training and experience and possess a knowledge of criminal law enforcement and administration and of penal and correctional institutions and methods. He shall be furnished with the necessary facilities and equipment and shall appoint clerical and other assistants necessary for the operation of the bureau.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

The Bureau Chief shall:

(1) Collect data necessary for the operation of the bureau from all persons and agencies mentioned in Section 5 of this Act,

(2) Prepare and distribute to all such persons and agencies, forms to be used in reporting data to the Bureau. The forms shall provide for items of information needed by federal bureaus or departments engaged in the development of national criminal statistics.

(3) Prescribe the forms and content of records to be kept by such persons and agencies to insure reporting of data to the Bureau.

(4) Instruct such persons and agencies in the installation, maintenance and use of such records and in the manner of reporting to the Bureau.

(5) Tabulate, analyze and interpret the data collected.

(6) Supply data, at their request, to federal bureaus or departments engaged in collecting national crime statistics.

(7) Annually present to the Governor, on or before July 1, concerning the criminal statistics of the preceding calendar year, and present at such other times as the director may deem wise, or the Governor may request, reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed for general distribution in the interest of public enlightenment.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

Every sheriff, chief of police, coroner, jailer, judge, magistrate, prosecuting attorney, court clerk, probation officer, parole officer; warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the retarded; State Police, State Fire Marshal, Board of Alcoholic Beverage Control; Bureau of Vital Statistics; Department of Highways; Department of Corrections; Department of Child Welfare; and every other person or agency, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the bureau, shall:

(1) Install and maintain records needed for reporting data required by the bureau.

(2) Report to the bureau as and when the Bureau Chief requests, all data demanded by him (except that such reports concerning a juvenile delinquent shall not reveal his or his parents' identity).

(3) Give the bureau or its accredited agent access for purpose of inspection.

(4) Cooperate with the bureau to the end that its duties may be properly performed.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

(1) The annual report of the bureau shall contain statistics showing:

(a) The number of type of offenses known to public authorities;

(b) the personal and social characteristics of criminals and delinquents; and

(c) the administrative action taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(2) The bureau shall also interpret such statistics and so present the information that it may be of value in guiding the legislature and those in charge of the apprehension, prosecution and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. The report shall include statistics that are comparable with national criminal statistics published by federal agencies heretofore mentioned.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

(1) Any public official or employe who knowingly or intentionally makes, or causes to be made, a false return of information to the bureau shall be punished by confinement in jail for not more than ninety days, by a fine not exceeding $500, or both.

(2) If any public official or employee required to report to the bureau neglects or refuses to comply with the requests

of the bureau, or its rules governing record systems and their maintenance, the Bureau Chief shall give written notice thereof to the person or persons authorized by law to disburse funds of the governmental agency to the public official or employe involved. No funds of the governmental agency shall thereafter be paid to the public official or employe, whether in the form of salary, fees, expenses, compensation, or otherwise, until the Bureau Chief notices the disbursing authority that performance of the required duty has been completed.

Section 7. All acts and parts of acts inconsistent with this Act are hereby repealed.

Section 8. This Act shall become effective July 1, 1968.

SB 156, AN ACT relating to criminal procedure.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

In any preliminary hearing, criminal trial, or other criminal proceeding evidence of information communicated to a peace officer by a confidential informant, who is not a material witness to the guilt or innocence of the accused of the offense charged, shall be admissible on the issue of reasonable cause to make an arrest or search without requiring that the name or identity of the information be disclosed in the judge or magistrate is satisfied, based upon evidence produced in open court, out of the presence of the jury, that such information was received from a reliable informant and in his discretion does not require such disclosure.

Committee Amendment to **SB 156** is as follows:

Amend printed copy of Senate Bill 156 on page 1, line 5, by: inserting after the word "laws" the following: "or of the laws regulating amphetamines, barbiturates, or other dangerous drugs"

The Committee on Cities reported **SB 343, SB 345, SB 116** and **SB 248** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 343, AN ACT relating to the annexation of territory by cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As an alternative to the methods of annexation of territories by cities and in addition to the methods heretofore provided by law any city of any class may annex to the city any portion or all of any impoundment of water adjoining the city created by a dam or similar structure from which that city lawfully obtains all or any part of its water supply including any lands lying within one hundred feet of such impounded water by enacting an ordinance describing accurately the boundary of the territory to be annexed; provided however that the area annexed shall not exceed one-half acre multiplied by the number of inhabitants of the annexing city.

(2) The ordinance of annexation shall be published in accordance with the provisions of KRS Chapter 424. Upon final publication the territory described in the annexation ordinance shall become a part of the annexing city for all purposes.

SB 345, AN ACT relating to exemptions from city taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) The legislative body of any city of the second to sixth class may by ordinance exempt manufacturing establishments from *any and all elements of* city taxation for a period not exceeding five years as an inducement to their location in the city. In cities of the third class, two-thirds of the members of the city legislative body must concur for this purpose.

(2) No city of the second to sixth class may impose or collect any license tax upon any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state.

(3) Unpaid volunteer members of fire companies in cities

of the fourth class shall be exempt from city poll taxes so long as they remain active members.

(4) As used herein the term "city taxation" shall mean taxes of every kind and nature, except school taxes, that may be imposed by a city and including, but not limited to, taxes for general fund, pension funds, libraries, municipal or junior college, and reserve for sinking funds for voted bond issues.

SB 116, AN ACT relating to compensation of police judges in cities of second class.

WHEREAS, considering the increase in the consumer price index and the additional duties imposed upon the police judges of second class cities, the compensation of the police judges of second class cities based upon the salary limitation fixed by Section 246 of the Constitution is inadequate, and

WHEREAS, in enacting legislation increasing the compensation of police judges of second class cities it is the intention of the General Assembly to equate the salary of the police judges of second class cities with the purchasing power of the dollar of 1949, when Section 246 of the Constitution was adopted, and to compensate police judges for the additional duties imposed upon them,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 26.150 is amended to read as follows:

In cities of the second class the police court shall have one judge. He shall receive a salary *of not less than $9,600 per year* [fixed by ordinance], and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be police judge unless at the time of his election he is at least twenty-five years of age and has been a resident of the city for at least four years.

SB 248, AN ACT relating to parking in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The governing body of any city of the second class may by ordinance provide that any person may acquire a private parking space in front of his residence or his place of business upon payment of a specified fee, to be determined by the governing body.

Section 2. The governing body shall provide that any person desiring to acquire a parking space shall make application to the city clerk for a permit therefor, on forms to be furnished by the clerk. Upon payment of the fee, determined by the governing body, the clerk shall issue to the applicant a permit to park in a specific place, or in specific places, which permit shall be displayed in a conspicuous place on the vehicle.

Section 3. The governing body shall determine the length of time for which a permit is valid and all other matters incident to the provisions of the ordinance.

Section 4. The holder of a permit shall not be required to place any money in a meter located in the space for which he has been issued a permit. The governing body shall provide for the marking of the reserved parking areas in such a manner as to indicate to the general public that the space is reserved.

Senate Message

Announcing passage of **HB 210, HB 49, HB 358, SB 29, SB 264, SB 406, SB 413, SB 11, SB 247, SB 412, SB 405, SB 293** and **SB 208.**

Orders of the Day (Cont.)

Representative Morgan moved that **HB 143** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Ballenger moved that action on **HB 143** be temporarily deferred. Agreed.

HB 80, by way of Committee Substitute, taken from Orders

of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Murphy moved the adoption of the Committee Substitute to **HB 80.** Agreed.

Representative Murphy moved the adoption of the following Amendment No. 1 to Committee Substitute to **HB 80:**

Amend Committee Substitute for House Bill 80 on page 7:

adding below line 7 the following new section:

"Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

Before any city can utilize this legislation said city shall have a duly adopted comprehensive plan and duly adopted zoning ordinance and subdivision regulations which were prepared in conjunction and in conformance with said comprehensive plan. All proposed development by the use of this legislation shall be in conformance with the duly adopted comprehensive plan."

Agreed.

Representative Murphy moved the adoption of the following Amendment No. 2 to Committee Substitute to **HB 80:**

Amend printed copy of Committee Substitute for House Bill 80 on page 1, line 4, by:

inserting after the word "class" the words: "other than a city of the first class"

Agreed.

On the roll call the vote was yeas 42—Ball, Ballenger, Bamberger, Blume, Blythe, Cox, Curlin, Dawhare, Halleck, Harper, Hoffman, Hopkins, Huff, Irick, Isler, Justice, Keene, Kessinger, Kidd, King, Lankford, Lawson, Louden, McKinney, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, W. J. Reynolds, Rickert, Sartin, Schmidt, Siemens, Tobin, Walters, Webster, Wesley, Wheeler, White. Nays 39—Alexander, Allen, Arnett, Baker, Blandford, Bleemel, Brown, Bruce, Clapp, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Denham, Floyd, Greer, Hampton, Henry, Hinkle, Hoe, James, Jones, Keith, Maddox, Massey, May, McNamara, Melton, R. L. Miller, Rattliff, R.

Reynolds, Riddle, Simmons, Smith, Stuart, Vanover, Wolchik, Wooley, Wright.

HB 80 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 80** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the Committee on Cities be allowed to have a meeting of the Committee.

On the roll call the vote was yeas 50—Allen, Bamberger, Bleemel, Blume, Brown, Bruce, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Halleck, Hampton, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Justice, Keene, Lankford, Lassiter, Lawson, Louden, May, McKinney, Mershon, Clarence R. Miller, Morgan, Murphy, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Saylor, Schmidt, Siemens, Simmons, Tobin, Webster, Wells, Wesley, Wheeler, White, Wooley. Nays 16—Ballenger, Blythe, Clark, Coffey, DeMarcus, Denham, Greer, Jones, Melton, R. L. Miller, Peace, Riddle, Sartin, Stuart, Vanover, Wright.

The motion that the Committee on Cities be allowed to meet at the time the House is in session was adopted.

HB 389 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative James moved the adoption of the following Amendment No. 1 to **HB 389**:

Amend printed copy of House Bill 89 on page 1, line 1, by:

striking the word "created" and inserting in lieu thereof the word "amended"

Agreed.

On the roll call the vote was yeas 48—Allen, Arnett, Baker, Ball, Blandford, Blume, Clark, Coffey, Cox, Walter R. Davis, Dawhare, Floyd, Halleck, Harper, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, James, Justice, Kessinger, Kidd, King, Lank-

ford, Lassiter, Lawson, May, McBrayer, McKinney, McNamara, Morgan, Prather, Ray, Russell Reynolds, Richey, Rickert, Sartin, Saylor, Siemens, Simmons, Tobin, Walters, Webster, Wheeler, White, Wright. Nays 20—Ballenger, Bamberger, Blythe, Bruce, Henry, Jones, Maddox, Massey, Mershon, Mitchell, Murphy, Peace, Pettit, Rattliff, W. J. Reynolds, Russell, Schmidt, Stuart, Wesley, Wooley.

HB 389 as amended was passed and the title agreed to.

Representative James moved that the vote by which **HB 389** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair. Representative McBrayer presiding.

HB 251 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and place upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved the adoption of the following Amendment to **HB 251**:

Amend printed copy of House Bill 251:

on page 26, by inserting below line 17 the following new section:

"Section 12. It is declared to be the legislative intent that the state law shall require disclosure of items of information substantially similar to the requirements of any applicable federal law. To effectuate this intent, notwithstanding any provisions of this Act to the contrary, the Commissioner is specifically authorizer, empowered and directed to adopt such interim regulations governing the information to be disclosed and the manner of disclosure so as to assure that the requirements of the state law meet the requirements of such applicable federal law. Such regulations shall remain in full force and effect until the General Assembly reconvenes and has an opportunity to amend the state law to assure conformity with the applicable federal law."

and on page 26, line 18, by renumbering "Section 12." as "Section 13."

Agreed.

On the roll call the vote was yeas 55—Allen, Arnett, Baker, Ball, Bamberger, Bleemel, Blume, Brown, Bruce, Clark, Cox, Curlin, James A. Davis, DeMarcus, Denham, Halleck, Hardin, Harper, Hoffman, Holbrook, Hopkins, Hunt, Irick, James, Johnson, Jones, Justice, Kessinger, King, Lankford, Lawson, Louden, Massey, May, McKinney, Clarence R. Miller, Robert L. Miller, Mitchell, Pettit, Prather, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Siemens, Simmons, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White. Nays 22—Ballenger, Blythe, Cruse, W. F. Davis, Dawhare, Floyd, Henry, Hinkle, Hoe, Isler, Keene, Lassiter, Maddox, Melton, Peace, Rattliff, R. Reynolds, Russell, Schmidt, Smith, Stuart, Wooley.

HB 251 as amended was passed and the title agreed to.

Representative Rickert moved that the vote by which **HB 251** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 143 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riddle moved the adoption of the following Amendment to **HB 143**:

Amend printed copy of House Bill 143 on page 1, lines 1 to 11, by:

deleting those lines and substituting therefor the following:

"[(1)] The provisions of KRS 123.005, 123.051 to 123.101 and 123.991 shall apply in all *state-wide* partisan primary or general elections held in the Commonwealth of Kentucky, *and in all elections for the Congress of the United States.*"

and on page 1, line 12 by placing a bracket in front of the figure "(2)"

and on page 2, line 17 by inserting after the word "a" the word "*Part*" and by placing brackets around the word "full" and by placing a bracket in front of the word "and"

and on page 2, line 18 by inserting a bracket after the word "necessary"

and on page 2, line 20 by inserting brackets around the words "or attorneys" and by placing brackets around the words "full or"

and on page 6, lines 15 and 16 by deleting those lines.

On the roll call the vote was yeas 40—Allen, Arnett, Bleemel, Brown, Bruce, Clapp, Clark, Cruse, Hinkle, Holbrook, Hopkins, Hunt, Irick, Jones, Justice, Keith, Kessinger, Lankford, Lassiter, Louden, Maddox, May, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Peace, Rattliff, Ray, Russell Reynolds, Riddle, Russell, Saylor, Simmons, Smith, Tobin, Wells, Wright. Nays 46—Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Cox, Curlin, J. A. Davis, W. F. Davis, Dawhare, DeMarcus, Greer, Halleck, Hardin, Harper, Henry, Hoe, Hoffman, Isler, James, Keene, King, Lawson, Massey, McBrayer, McGill, Mitchell, Morgan, Murphy, Pettit, Prather, Richey, Rickert, Sartin, Schmidt, Siemens, Stuart, Vanover, Walters, Webster, Wesley, Wheeler, White, Wooley.

Amendment to **HB 143** was rejected.

On the roll call the vote was yeas 73—Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bruce, Clapp, Cox, Cruse, Curlin, James, A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hopkins, Hunt, Isler, Johnson, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Massey, May, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, White, Wooley, Wright. Nays 5—Hoffman, Louden, Peace, Rickert, Riddle.

HB 143 was passed and the title agreed to.

HB 264 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved the adoption of Committee Amendment No. 1 to **HB 264.** Agreed.

Representative Hopkins moved the adoption of the following Amendment No. 2 to **HB 264:**

Amend printed copy of House Bill No. 264 on page 1, line 6, by:

adding after the word "state" the following: ", except the public school system,"

Agreed.

Representative Morgan moved that the Rules be suspended for Report of Committees and Reference of Bills and Resolutions. Agreed.

Report of Committees

The Committee on Cities reported **SB 99** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 99, AN ACT relating to license taxes in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Board of Aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance, impose license fees on franchises, provide for licensing any business, trade, occupation or profession and the using, handling or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation or profession for revenue purposes may be imposed at a percentage rate [or rates] not to exceed those hereinafter set forth on (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions or occupations from activities conducted in the city (hereinafter collectively referred to as "net profits"). Licenses im-

posed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this State, or in *any* other case where the city is prohibited by statute from imposing a license tax.

(2) The rate [or rates] fixed *on both "wages" and "net profits" shall be one and one-fourth (1-¼%) percent.* [may be in accordance with either of the following plans:]

[(a) a rate on both "wages" and "net profits" of not to exceed one percent; or]

[(b) a rate on both "wages" and "net profits" of one and one-fourth percent.]

[Provided, however, that the authorization granted by this section with respect to plan (b) shall expire as of December 31, 1958; provided further that, prior to said expiration date, the board of aldermen may by ordinance, impose a rate of one and one-fourth percent for an indeterminate period of time, but no such ordinance shall go into effect until the expiration of thirty days after its passage. If during the thirty days next following the passage of such ordinance, a petition signed by a number of constitutionally qualified voters equal to fifteen percent of the votes cast in the city at the last preceding general election, stating the residence of each signed, and verified as to signatures and residences by the affidavits of one or more persons is presented to the board of aldermen protesting against passage of such ordinance, the ordinance shall be suspended from going into effect and shall be reconsidered by the board of aldermen. If the ordinance is not then repealed, the board shall submit to the voters of the city, at a regular scheduled election or at an election held for that purpose prior to January 1, 1959, the question as to whether a rate of one and one-fourth percent shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the ordinance shall not go into effect. If a majority of the votes cast upon the question

favors its passage the ordinance shall go into effect as of January 1, 1959.]

(3) License fees or taxes shall be collected by the commissioners of the sinking fund. The proceeds from such taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund shall be sufficient to pay the cost of administration and the interest charges for the current fiscal year of the sinking fund in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(4) Revenue remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the general fund of the city as received *and may be expended for general purposes or for capital improvements.* [until such receipts during the fiscal year of the city shall reach the sum of five million dollars. Any revenues in excess of said amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined; provided, however, fifty percent of the revenues so deposited to such Special Capital Fund Account during each fiscal year (commencing with the fiscal year in which this section shall become effective), or any lesser amount remaining in said fund at the end of such fiscal year, may be transferred to the general fund of the city at the beginning of the succeeding fiscal year; provided further, that whenever the unencumbered balance remaining in said Special Capital Fund Account exceeds one million dollars at the beginning of any fiscal year such excess may be transferred to the general fund of the city; provided, further, that funds from the Special Capital Fund Account may be encumbered for purposes other than capital improvements only after transfer to the general fund.]

(5) The term "capital improvements" as used in this section shall be limited to additions or improvements of a substantial and permanent nature and services rendered in connection therewith, and shall include but not be limited to (a) the purchase of right-of-ways for highways, expressways and the widening of

existing streets, (b) the purchase of lands for park recreational and other governmental facilities and for public off-street parking facilities, (c) the purchase, construction, reconstruction, renovation or remodeling of municipal buildings, and facilities, (d) the replacement of machinery, wires, pipes, structural members or fixtures and other essential portions of municipal buildings, (e) the initial equipment of any newly-acquired facility wherein any essential governmental function of the municipality may be located or carried on, (f) the purchase and installation of traffic control devices [,] *and* fire alarm equipment, [and expenditures pursuant to contracts for streets and protective lighting service], (g) the reconstruction and resurfacing, but not routine maintenance, of streets and other public ways, (h) the acquisition of motorized equipment purchased as additions to, but not replacements for, existing equipment, and, (i) engineering and other costs incurred by the city in connection with the construction of public improvements financed under a special assessment plan or plans authorized in KRS Chapter 93.

(6) Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(7) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

Section 2. If any section, paragraph, clause or provision of this Act shall be held invalid, the invalidity of such section, paragraph, clause, or provisions shall not affect any of the remaining provisions.

Section 3. Whereas, cities of the first class are in immediate need of proper funding of the cities' general operations, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 354, SB 413.**

Appropriations and Revenue: **SB 11.**

Business Organizations and Professions: **SB 242.**

Education: **SB 308.**

Health and Welfare: **SB 403, SB 404, SB 406, SB 412.**

Highways and Traffic Safety: **SB 302, SB 405.**

Judiciary: **SB 184, SB 247, SB 264, SB 276, SB 340, SR 62, SR 63.**

Labor and Industry: **SB 29, HB 619.**

State Government: **SB 208, SB 293.**

Representative Wright moved that the House adjourn until 1:00 p.m., Wednesday, March 13, 1968.

On the roll call the vote was yeas 43—Allen, Arnett, Bamberger, Blythe, Clark, Coffey, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Hardin, Henry, Hinkle, Hoe, Huff, James, Jones, Justice, Keith, Kessinger, Louden, Maddox, Massey, McBrayer, McGill, McNamara, Mitchell, Peace, Prather, Rattliff, Russell, Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Simmons, Stuart, White, Wooley, Wright. Nays 42—Baker, Ball, Ballenger, Blandford, Blume, Brown, Bruce, Clapp, Cox, Cruse, Curlin, W. F. Davis, Halleck, Harper, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Keene, Kidd, Lankford, Lassiter, Lawson, May, McKinney, Mershon, C. R. Miller, R. L. Miller, Murphy, Pettit, Ray, Richey, Siemens, Tobin, Vanover, Webster, Wesley, Wheeler, Wolchik.

The motion to adjourn was adopted.

WEDNESDAY, MARCH 13, 1968

FIFTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Holbrook, Johnson and Siemens.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of March 12, 1968, be dispensed with and the same approved. Agreed.

Representative Morgan moved that any Committee be permitted to meet while the House is in session. Agreed.

Report of Committees

The Committee on Rules reported **HB 598, HB 470, HB 381, HB 513, HB 589, HB 556, SB 344, SB 31, SB 14, SB 113, SB 192, SB 157, SR 39, SB 249, SB 96, SB 195, SR 43, SB 253, SB 284, SB 164, SB 349, SB 250, SB 46, SB 125, SB 163, SB 124, SB 203, SB 232, SB 233** and **SB 314** with the expression of opinion that the same should pass.

The Committee on Agriculture and Natural Resources reported **SB 354** and **SB 413** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 354, AN ACT relating to the sale of turfgrass sod.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act, unless the context requires otherwise:

"Turfgrass sod" means a strip or section of turfgrass used for vegetative planting with a stratum of soil filled with the roots or plant parts.

Section 2. KRS 250.170 is amended to read as follows:

No person shall sell or offer for sale any seed, *turfgrass sod,* roots or tubers bearing the certified label of any grower's association whose requirements for certification are in any regard lower than those of the Kentucky Seed Improvement Association. Standards announced by the secretary of the Kentucky Seed Improvement Association in the printed regulation governing the Kentucky Seed Improvement Association in June of each year shall prevail for that month and the eleven succeeding months.

Section 3. KRS 250.210 is amended to read as follows:

The experiment station or its designated agency may withhold certification for two or more years from any grower of seeds, *turfgrass sod* or plant parts who is engaged in or is attempting to engage in any dishonest practices for the purpose of evading KRS 250.180 to 250.230 or standards and regulations laid down by the experiment station or its agency, relative to certification.

Section 4. KRS 250.225 is amended to read as follows:

(1) Where certification in Kentucky is requested for argicultural seeds, *turfgrass sod* or plant parts for propagation, produced outside of Kentucky and intended for sale in Kentucky, process which has taken place outside the state has been certified by the agency responsible for certification in the state, province, or county where it originated, and then only when the standards of certification there are accepted by the Director of the Kentucky Experiment Station.

(2) Where certification is requested for agricultural seeds, *turfgrass sod* or plant parts for propagation produced in Kentucky but eligible for certification outside of Kentucky and intended for sale outside of Kentucky, the request may be granted providing the production process conforms with requirements of the agency responsible for certification in the state, province or country in which such seeds, *turfgrass sod* or plant parts are eligible for certification, and further that such certification does not de-

note suitability or adaptability of said seeds, *turfgrass sod* or plant parts for use in Kentucky. The Director of the Kentucky Experiment Station is authorized to issue, when necessary, certificates or statements showing that the particular seeds, *turfgrass sod* or plant parts so certified are not suitable or adapted for use in Kentucky.

(3) As used in this section, the terms "certification" and "agricultural seeds" shall have the same meaning as defined in KRS 250.010.

SB 413, AN ACT relating to the levy and assessment of property taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each tax commissioner shall assess at its fair cash value all property which it is his duty to assess. In the case of securities which are regularly bought and sold through stock exchanges, the price at which such property closed on the last regular business day preceding the assessment day shall be prima facie evidence of the fair cash value of such property. The property of one person shall not be assessed wilfully or intentionally at a lower or higher relative value than the same class of property of another, and any grossly discriminatory valuation shall be construed as an intentional discrimination. The tax commissioner shall make every effort, through visits with the taxpayer, personal inspection of the property, from records, from his own knowledge, from information in property schedules, and from such other evidence as he may be able to obtain, to locate, identify, and assess property.

(2) In the case of real property, the fair cash value shall be determined by reference only to factors relating to the actual use of the property as of the assessment date, and the tax commissioner shall consider no factors not so related. The tax commissioner shall consider the following use factors only:

(a) The present depreciated value of all of the improve-

ments thereon as they relate to and are affected by the use being made of such property;

(b) the quantity and shape of each tract of real estate being assessed;

(c) the condition of said property;

(d) the income produced by said property from such use as is being made thereof as of the date of assessment, and

(e) the character of the general area, neighborhood, or environment in which said property is located; provided, that, in computing the fair cash value, no consideration shall be given to the price produced by the sale of any property other than the property being assessed and unless such sale was voluntarily made and within one year preceding the date of such assessment.

(3) The zoning classification of any real property located within a planning unit as defined in KRS 100.113 in which a zoning map and/or regulations have been adopted shall be prima facie evidence of the actual use of that property.

(4) [2] If the tax commissioner assesses any property, except stocks and bonds at the market value listed in recognized publications, at a greater value than that listed by the taxpayer or assesses unlisted property, the tax commissioner shall serve notice on the taxpayer of such action. The notice shall be given by first class mail or as provided in the Kentucky Rules of Civil Procedure.

(5) [3] Any taxpayer may designate on the property schedule any property which he does not consider to be subject to taxation, and it shall be the duty of the tax commissioner to obtain and follow advice from the Department of Revenue relative to the taxability of such property.

(6) The Department shall issue such regulations as may be necessary to guide tax assessors in the performance of their duties under this section.

The Committee on Highways and Traffic Safety reported **SB 139, SB 405, SR 52, SB 152, SB 268, SB 302** and **SB 379** with

the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 139, AN ACT relating to registration of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.050 is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) through (13), shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
0 - 6,000	$ 10.00
6,001 - 10,000	24.00
10,001 - 14,000	30.00
14,001 - 18,000	50.00
18,001 - 22,000	132.00
22,001 - 26,000	160.00
26,001 - 32,000	216.00
32,001 - 38,000	300.00
38,001 - 44,000	474.00
44,001 - 62,000	588.00
62,001 - 73,280	750.00

(4) *(a)* Any farmer owning a truck having a gross weight of 24,000 pounds or less may have it registered a a farmer's truck and obtain a license for $4.50. The applicant's signature upon

the registration receipt shall constitute a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 24,000 pounds or less, and that during the next twelve months the truck will be used only in transporting persons, food provender, feed, machinery, livestock, materials and supplies necessary for his farm operation, and the products grown on his farm.

(b) Any farmer owning a truck having a gross weight of 24,001 pounds or more during certain months of the year may obtain special registration for those months. For each month or part thereof the farmer shall pay a fee equal to one-twelfth of the annual fee set in subsection (3) above for commercial vehicles that have the same gross weight as the farmer's truck. The clerk shall issue a special receipt for the special registration provided in this paragraph, which shall be kept in the truck during the period covered. The special registration provided in this paragraph is in addition to the registration provided in paragraph (a) above.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the school of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the

name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the limits of the city if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is city of the fifth or sixth class, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set forth in subsection (3) hereof. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the registration certificate shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

(9) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which are used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple, where such railhead or tipple is located at

a point not more than fifty air miles from the point at which such coal is mined, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set out in subsection (3) hereof. The applicant's signature upon the registration receipt shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full amount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourths of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county court clerk a certification from the department that the vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the department's certification to the Department of Revenue copy of the registration receipt.

(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of 18,000 pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056 (2) may re-register such vehicle and obtain a "For Sale" registration receipt for $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056 (2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be $20.00 and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent when such vehicle is not equipped wholly with pneumatic tires.

SB 405, AN ACT relating to the regulation of the sanitation and safety of boats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 235.070 is amended to read as follows:

(1) Every person seeking a license or certificate of number or renewal for operation of a motorboat shall apply in person to the circuit court clerk of the county as provided in KRS 235.050 and make application on a form furnished by the division. The application shall contain the full name and signature, citizenship of applicant, date of birth, sex, race, present resident address, the make of the boat, serial number, if any, length, beam, motive power, maximum capacity, type of hull material, and intended use of boat. *The application shall state whether the motorboat is equipped with toilet facilities and shall describe the number and type of such facilities and shall state whether the storage container or treatment or disposal system for such facilities is a type approved by regulations of the Kentucky Water Pollution Control Commission.* It shall also state whether the applicant has been previously licensed or registered as an owner, and if so, when and by what state or county, whether any license registration or certificate number has been cancelled, suspended, revoked, refused, and if so, the date of and reason for cancellation, suspension, revocation or refusal and such other information as may be required.

(2) Every applicant shall make oath as to the truthfulness of the statements contained in the form.

(3) The clerk shall, after determining that the applicant has complied with the law concerning applications, issue a temporary license, certificate of number or renewal thereof to be valid for not more than ninety days. Such temporary license shall be valid in lieu of the permanent license during the certification period and must be destroyed upon receipt of the permanent certificate from the Division of Boating.

(4) No license for the operation of a motorboat shall be issued, if the motorboat is equipped with toilet facilities but is not equipped with a storage container or treatment or disposal system of a type approved under regulations promulgated by the Kentucky Water Pollution Control Commission.

Section 2. KRS 235.200 is amended to read as follows:

(1) Every motorboat shall have aboard:

[(1)] *(a)* One life preserver, buoyant vest, ring buoy or buoyant cushion of the type approved by the Commandant of the United States Coast Guard in good and serviceable condition for each person on board.

[(2)] *(b)* When in operation during hours of darkness, lights sufficient to make the motorboat's presence and location known to any and all other vessels within a reasonable distance.

[(3)] *(c)* If carrying or using an inflammable or toxic fluid in any enclosure for any purpose, and if not an entirely open motorboat, an efficient natural or mechanical ventilation system which shall be capable of removing resulting gases prior to, and during, the time such motorboat is occupied by any person.

[(4)] *(d)* Such additional equipment designed to promote the safety of navigation and of persons as the division may find to be appropriate and for which it has provided in its rules and regulations.

(e) If such motorboat is equipped with toilet facilities, a storage container or a treatment or disposal system of size and contruction sufficient to protect and preserve the waters of this state from pollution. The storage container or treatment or disposal system shall conform to such contruction, performance and utilization criteria as may be established by regulations of the Kentucky Water Pollution Control Commission.

(2)](5)] No person shall operate or give permission for the operation of a motorboat which is not equipped as required by this section or modification thereof, or which is not safe for operation as a motorboat.

SR 52, A CONCURRENT RESOLUTION requesting and

petitioning Governor Louis B. Nunn and Commissioner William B. Hazelrigg to cooperate in the preparation of a thorough study of the feasibility of constructing a bridge in cooperation with the State of Indiana, over the Ohio River at Dam No. 39, known as Markland Dam, between Gallatin County, Kentucky, and Switzerland County, Indiana.

WHEREAS, the piers and structural supports for a bridge were constructed when Markland Dam was built; and

WHEREAS, the bridge has not been built; and

WHEREAS, the industrial development of the areas of both Indiana and Kentucky adjacent to the dam would be enhanced by the construction of the bridge; and

WHEREAS, the economic and social convenience of the residents of the area would be greatly enhanced by the construction of the bridge;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That Governor Louie B. Nunn and Commissioner William B. Hazelrigg cooperate in the preparation of a thorough study of the feasibility of constructing a bridge, in cooperation with the State of Indiana, over the Ohio River at Dam No. 39, known as Markland Dam, between Gallatin County, Kentucky, and Switzerland County, Indiana.

Section 2. That copies of this resolution be forwarded to Governor Louie B. Nunn, of the Commonwealth of Kentucky, Governor Roger D. Branigin, of the State of Indiana, and to Commissioner William B. Hazelrigg, of the Kentucky Department of Highways, and Chairman Robert F. Whitehead, of the Indiana Highway Commission.

SB 152, AN ACT relating to motor vehicle dealers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 190.035 is amended to read as follows:

No license shall be issued by the department to any person to act as a motor vehicle dealer, or as a motor vehicle salesman for a motor vehicle dealer, unless the applicant for the motor vehicle dealer license has a fixed and permanent place of business in this state, including a lot and a building of suitable character and adequate facilities for the purpose of performing the functional business and duties of a motor vehicle dealer, which shall include the books, records, files and equipment necessary to properly conduct such business. The place of business shall not consist of a residence, tent, temporary stand or open lot. A dealer may conduct more than one business in a building otherwise meeting the requirements of this chapter providing he has suitable space and adequate facilities therein to properly conduct the business of a motor vehicle dealer. *A dealer who conducts an automobile salvage or junk business on the same premises as his motor vehicle business need not provide an office area separate and apart from the area where junk cars or parts are stored or situated.* The lot requirement of this section may be waived if the dealer has sufficient space within a building to properly show and display the motor vehicles being sold by him. The dealer shall display a sign easily visible from the street identifying his business.

SB 268, AN ACT relating to the slow-moving vehicle emblem.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) "Slow-moving vehicle" includes farm machinery, including animal-drawn vehicles, highway construction and maintenance vehicles, and any other type of vehicle designed for operation at a rate of speed of twenty-five miles per hour or less.

(2) "Slow-moving vehicle emblem" consists of a fluorescent yellow-orange triangle with a dark, red reflective border, as specified in A.S.A.E. R276 or S.A.E. J943 standards.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) All new farm tractors sold and delivered after January 1, 1969, for use within the boundaries of the Commonwealth of Kentucky, shall have affixed to them as standard equipment a slow-moving vehicle emblem.

(2) The slow-moving vehicle emblem may be displayed on all slow-moving vehicles operated upon the public roads within the Commonwealth on and after January 1, 1969.

(3) The slow-moving vehicle emblem shall be mounted as near the center of the rear of the slow-moving vehicle as is practicable, shall be mounted not less than three nor more than five feet above the road surface, and shall be maintained in a clean, reflective condition.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The slow-moving vehicle emblem shall not be used or mounted on:

(a) Any stationary roadside object;

(b) Vehicle with speed capabilities above twenty-five miles per hour;

(c) Trailers pulled behind vehicles with speed capabilities above twenty-five miles per hour.

(2) The slow-moving vehicle emblem shall not be used as a clearance marker for wide machinery or wide loads.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person found guilty of violating any provision of this Act shall be fined not more than $10.00.

SB 302, AN ACT relating to the registration of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person residing in this state who is required to register a motor vehicle in this state shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the officer to whom such application is made a tax receipt, or other evidence, showing that he has paid in full his personal property taxes attributable to such motor vehicle which accrued and fell due and payable to the state and to the county in which he resides during the year next preceding that in which such registration receipt and plate are issued or are to be issued.

(2) An owner of a motor vehicle who, during the year next preceding that in which such motor vehicle registration receipt and plate are issued or are to be issued, owned no personal property subject to state and county taxation in the county in which he resides, or who was not subject to such taxation during such preceding year, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the officer to whom such application is made a signed statement from the tax commissioner of the county in which he resides, certifying that such owner, during such preceding year, owned no personal property subject to state and county taxation, or was not subject to such taxation, as the case may be, in the county in which he resides.

Section 3. Compliance with the provisions of this Act shall not relieve the individual owner of any motor vehicle of the necessity of fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

SB 379 AN ACT relating to the Motorists Financial Responsibility Law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 187.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the department shall also suspend the registration for all motor vehicles registered in the name of such person, except that it shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

(2) Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

(3) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highway [without being licensed to do so,] *while the operating privilege is revoked or suspended,* or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

(4) Whenever the department suspends or revokes a nonresident's operating privilege by reason of a conviction or for forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

The Committee on Highways and Traffic Safety reported **SB 338** with the expression of opinion that the same should not pass.

The Committee on Education reported **SB 267** without expression of opinion.

The Committee on Education reported **SB 308** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 308, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 156.030 is amended to read as follows:

There shall be a State Board of Education composed of seven lay members. The board shall elect a chairman from among its members at its first regular meeting in each fiscal year. Beginning with 1940 the Governor shall appoint two members every year for a term of four years to take the place of the members appointed under the provisions of Chapter 65 of the Acts of 1934 whose terms expire that year, except that every fourth year the Governor shall appoint one member for a term of four years to take the place of the member whose term expires that year. The term of each member of the board shall begin on July 1 in the year in which the member is appointed. In the case of a vacancy the Governor shall fill the vacancy for the unexpired term. Members appointed to take the place of members whose terms expire after January 6, 1964 shall be appointed from the districts established by KRS *21.020* [21.120] in the numerical order of the districts. The board shall be a corporation by the name of the Kentucky State Board of Education, with the usual corporate powers.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The State Board of Education and the State Department of Education in the operation and management of their schools and the programs at these schools shall meet all required Federal and State standards relating to facilities and personnel qualifications; however, no license or license fee shall be required for any school or program operated by either the State Board of Education or the State Department of Education.

The Committee on Banking and Insurance reported **HB 57, HB 77, HB 270, SB 299** and **SB 300** with the expression of opinion

that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 57, AN ACT relating to financial security for liability of owners and operators of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the Financial Security Act.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Department" means the Department of Public Safety, except where otherwise specified herein;

(2) "Proof of financial security" means proof of ability to respond in damages for liability arising out of the ownership, maintenance or use of a motor vehicle as evidenced by an owner's policy of insurance, a financial security bond, a financial security deposit, or qualification as a self-insurer under Section 7 of this Act, or, in the case of a non-resident, under self-insurance provisions of the law of the place of residence of the non-resident;

(3) "Owner's policy of liability insurance" means a policy which fulfills the requirements of Section 3 of this Act;

(4) "Certificate of insurance" means a certificate which fulfills the requirements of Section 4 of this Act;

(5) "Financial security bond" means a bond which fulfills the requirements of Section 5 of this Act;

(6) "Financial security deposit" means a deposit which fulfills the requirements of Section 6 of this Act;

(7) "Self-insurer" means a person who has been determined by the commissioner in accordance with Section 7 of this Act to be financially responsible.

(8) Terms defined in KRS 187.290 have the meaning given to them in that section except where this Act prescribes a different meaning.

Section 3. An owner's policy of liability insurance is a policy:

(1) Affording coverage as defined in the minimum provisions prescribed in a regulation which shall be promulgated by the commissioner at least ninety days prior to the effective date of this Act. The commissioner, before promulgating the regulation or any amendments thereto, shall consult with all insurers licensed to write automobile insurance in this state and shall not prescribe minimum provisions which fail to reflect the provisions of automobile liability insurance policies, other than motor vehicle liability policies as defined in KRS 187.490, issued within this state at the date of the regulation or amendment thereof. Nothing contained in the regulation or in this Act shall prohibit any insurer from affording coverage under an owner's policy of liability insurance more liberal than that required by the minimum provisions. Every owner's policy of liability insurance shall provide insurance against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of motor vehicles within the United States of America, subject to the limits, exclusive of interest and costs, with respect to each motor vehicle, as follows: Five thousand dollars because of bodily injury to or death of one person in any accident and, subject to that limit for one person, ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and one thousand dollars because of injury to or destruction of property of others in any one accident. The policy need not be for a period coterminous with the registration period of the vehicle insured. Any insurer authorized to issue an owner's policy of liability insurance may, pending the issue of a policy, make an agreement, to be known as a binder, or may, in lieu of the policy, issue a renewal endorsement or evidence of renewal of an existing policy, each of which shall be construed to provide indemnity or protection in like manner and to the same extent as the policy. The provisions of this Act applies to the binders, renewal endorsements or evidences of renewal; and

(2) In the case of a vehicle registered in this state, a policy issued by an insurer duly authorized to transact business in this state; or

(3) In the case of a vehicle registered in another state, or in both this state and other state, in the name of a non-resident, either a policy issued by an authorized insurer, or a policy issued by an unauthorized insurer authorized to transact business in the state of his residence or in the state in which the vehicle is registered, if the unauthorized insurer files with the commissioner in form to be approved by him a statement consenting to service of process and declaring its policies shall be deemed to be varied to comply with the requirements of this Act.

Section 4. A certificate of insurance is any evidence issued by or on behalf of an insurance company duly authorized to transact business in this state, stating, in such form as the commissioner prescribes or approves that the company has issued an owner's policy of liability insurance on the motor vehicle designated therein. The certificate shall contain at least the following information except as otherwise provided:

(1) The name and address of the person to whom the policy was issued;

(2) The number and effective period of the policy. If all of the motor vehicles owned by one person during a defined period are insured under the same owner's policy of liability insurance the certificate of insurance may so state and it shall then not be necessary to identify the specific vehicle insured. The requirements of this law for an owner's policy of liability insurance may be fulfilled by the policies of one or more insurance carriers which policies together meet the requirements.

Section 5. A financial security bond is a bond executed for each motor vehicle by the owner and by a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, which real estate shall be scheduled in the bond approved by a judge of a court of record, the bond being conditioned for payment of the amounts specified in Section 3 of this Act. The bond shall be filed with the department and is not cancellable except after ten days written notice to the department. The bond constitutes a lien in favor of the state upon the real estate scheduled of any surety, which exists in favor of any

holder of a final judgment against the person who has filed the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof resulting from the ownership, maintenance, use or operation of a motor vehicle after the bond was filed, upon the filing of notice to that effect by the department in the office of the proper clerk of the court of the county or city where the real estate is located. The provisions of KRS 187.520 (2) applies to the bond.

Section 6. (1) The State Treasurer may issue a certificate that the person named therein has deposited with him for a designated motor vehicle a financial security deposit of eleven thousand dollars in cash, or securities such as may legally be purchased by saving banks or for trust funds of a market value of eleven thousand dollars, which certificate shall be proof of a financial security deposit required under this law. The State Treasurer shall not accept any deposit and issue a certificate therefor and the department shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(2) All moneys or securities delivered to the State Treasurer as a financial security deposit shall be held by the State Treasurer to satisfy, in accordance with this law, any execution on a judgment for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof resulting from the ownership, maintenance, use or operation of the motor vehicle with respect to which the deposit has been accepted, and subject to the same limits on amounts required by this Act for an owner's policy of liability insurance. Money or securities deposited are not subject to attachment or execution unless such attachment or execution arises out of a suit for damages.

Section 7. (1) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-

insurer by obtaining a certificate of self-insurance issued by the department.

(2) The department, in its discretion, upon the application, may issue a certificate of self-insurance when it is satisfied that the applicant is possessed and will continue to be possessed of ability to pay judgments obtained against him.

(3) Upon not less than five days' notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after the judgment has become final constitutes a reasonable ground for the cancellation of a certificate of self-insurance.

Section 8. (1) (a) No motor vehicle shall be registered in this state after January 1, 1969, unless the application for registration is accompanied by proof of financial security which shall be evidenced by a certificate of insurance or evidence of a financial security bond, a financial security deposit or qualification as a self-insurer. The Commissioner of Revenue may allow in lieu of the aforementioned proof upon renewal of registration with respect to registration years commencing after December 31, 1969, and application accompanied by a certificate of registration or renewal stub in force immediately preceding the date of application for renewal, together with a statement by the applicant certifying that there is in effect proof of financial security, which meets the requirements of this section.

(b) The owner of such motor vehicle shall maintain proof of financial security continuously throughout the registration period. When insurance with respect to any motor vehicle is terminated by cancellation or failure to renew the owner shall surrender immediately his registration certificate and registration plates of the vehicle to the commissioner unless proof of financial security is otherwise maintained.

(2) No financial security bond shall be accepted by the commissioner unless it is conditioned for payments in amount and under the same terms and conditions as are required for an owner's policy of liability insurance.

(3) A financial security deposit certificate shall not be

issued by the State Treasurer or be accepted by the commissioner except in accordance with the provisions of Section 6 of this Act.

Section 9. No contract of insurance or renewal thereof for which a certificate of insurance has been filed with the commissioner shall be terminated by cancellation by the insurer or failure to renew by the insurer until at least ten days after a notice of cancellation or termination of the insurance so certified has been filed in the office of the department except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Section 10. (1) The commissioner upon the surrender of the registration and registration plates for a motor vehicle for which a financial security bond or deposit was accepted by him, shall permit the cancellation of any bond or shall direct that any deposit be returned by the State Treasurer. The commissioner shall not release the bond or deposit in the event any action for damages upon a liability referred to in the Act is then pending, or any judgment, upon any such liability then outstanding and unsatisfied, or in the event the commissioner has received notice that the person, who posted the bond or made the deposit, within the period of three months immediately preceding has been involved as a driver in any motor vehicle accident. An affidavit of the applicant of non-existence of those facts is sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(2) The department shall consent to the cancellation of any bond or certificate of insurance, or shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial security.

(3) Whenever any proof of financial security filed under the provisions of this law no longer fulfills the purposes for which required, the department shall require other proof to be offered within five days of notice and shall revoke the license and registration or the non-resident's operating privilege if such proof is not filed within five days of notice.

Section 11. (1) The department shall administer and enforce the provisions of this Act and may make rules and regulations necessary for its administration, including the revocation of motor vehicle registrations.

(2) The department may employ the persons, and incur travel, rental and other current and capital expenses, necessary to accomplish the purposes of this Act.

Section 12. (1) The commissioner, upon receipt of evidence that proof of financial security for any motor vehicle registered in this state is no longer in effect shall revoke the registration of the vehicle.

(2) The motor vehicle shall not be registered or re-registered in the name which appeared on the revoked registration or in any other name where the commissioner has reasonable grounds to believe that the registration or re-registration will have the effect of defeating the purposes of this Act, and no other motor vehicle shall be registered in the name of the person which appeared on the revoked registration for a period of thirty days from the date of the revocation.

Section 13. (1) The commissioner upon receipt of evidence that the owner of a motor vehicle registered in this state, or as unregistered motor vehicle, has operated, or permitted the motor vehicle to be operated upon the highways of this or any other state while proof of financial security was not in effect with respect to the vehicle, shall revoke the registration, if any, of the vehicle and the driver's license, if any, of the owner.

(2) The motor vehicle shall not be registered in the name of the person, or in any other name where the commissioner has reasonable grounds to believe that such registration will have the effect of defeating the purpose of this law, and no other vehicle shall be registered, in the name of the person, nor any driver's license issued to the person, for a period of one year from the date of revocation.

(3) Revocation shall not be made under this section upon the basis of a lapse or termination of insurance if the registration certificate and registration plates of the motor vehicle are sur-

rendered prior to the time at which the termination of insurance becomes effective. The surrender shall be made to the officers of the department as the commissioner directs, but the registrant at his option may surrender the registration and number plates to any county clerk. The county clerk shall return such registration certificates and registration plates, or dispose of the same, only as prescribed by the commissioner.

Section 14. (1) The commissioner, upon receipt of evidence that a person, other than the owner, has operated upon the public highways of this state a motor vehicle registered in this state, or an unregistered motor vehicle, with knowledge that proof of financial security was not in effect with respect to such vehicle, shall revoke the driver's license of the person, or if he is a non-resident, the non-resident driving privileges of the person.

(2) No new driver's license shall be issued, or non-resident driving privilege restored to the person for a period of one year from the date of revocation.

(3) This section does not apply to any person who at the time of operation of the motor vehicle had in effect an operator's policy of liability insurance with respect to his operation of the vehicle.

Section 15. (1) The commissioner, upon receipt of evidence that the owner of a motor vehicle not registered in this state has operated or permitted his motor vehicle to be operated upon the public highways of this state while proof of financial security was not in effect with respect to the vehicle, shall revoke the person's privilege to operate any motor vehicle in this state and the privilege of the operation within this state of any motor vehicle owned by him.

(2) Non-resident privileges shall not be restored for a period of one year from the date of the revocation.

Section 16. (1) The commissioner upon receipt of evidence that a person, other than the owner of the vehicle, has operated upon the public highways of this state a motor vehicle not registered in this state, with knowledge that proof of financial

security was not in effect with respect to the vehicle shall revoke the driver's license of such person, or if he is a non-resident, the non-resident privileges of such person.

(2) No new driver's license shall be issued, or non-resident privileges restored to the person for a period of one year from the date of the revocation.

(3) This section does not apply to any person who at the time of operation of such motor vehicle had in effect an operator's policy of liability insurance with respect to his operation of the motor vehicle.

Section 17. Notice of revocation pursuant to this Act may be given to the owner or operator of a motor vehicle registered in this state, by mailing the same to the owner or operator at the address contained in the certificate of registration for the vehicle owned by the person or to the address contained in his driver's license.

Section 18. An operator's policy of liability insurance, as used in Sections 14 and 16 of this Act means a policy issued by an insurance carrier duly authorized to transact business in this state which shall insure the person named therein as insured, against loss from the liability imposed upon him by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the use by him of any motor vehicle not owned by him, subject to the same minimum provisions and approval required by Section 3 of this Act with respect to an owner's policy of liability insurance. With respect to a non-resident, the policy may also be issued by a non-authorized insurance carrier if the requirements of this Act with respect to insurance of an owner's policy of liability insurance by the carrier have been met.

Section 19. (1) If a motor vehicle has been involved in an accident, and its registration or the driver's license of its operator, or both, have been revoked pursuant to this Act, then neither the vehicle nor any other motor vehicle shall be registered or re-registered in the name of its owner or if any other person legally

responsible for its use, nor shall any driver's license be issued to the owner, person or operator until one year has passed since the date of the revocation and, as the case may be, the commissioner has received the evidence required by subsection (3) below.

(2) If a motor vehicle not registered in this state is involved in an accident in this state and the privilege of its operation within this state has been revoked, then neither its owner, any person legally responsible for its use nor its operator shall exercise the privilege of the operation of the vehicle within this state or the privilege of the operation within this state of any motor vehicle, until one year has passed since the date of such revocation and, as the case may be, the commissioner has received the evidence as required in subsection (3) below.

(3) The evidence referred to in subsections (1) and (2) above shall be evidence, satisfactory to the commissioner:

(a) That no cause of action based upon the accident against the owner, person legally responsible or operator has been commenced within a period of one year from the date of the accident or a release thereof has been given to the owner, person or operator; or

(b) That no judgment arising out of the cause of action for amounts within the limits stated in Section 3 of this Act, against the owner, person or operator remains unsatisfied, except that the registration and licensing privileges may be restored on compliance with the procedures permitting the payment of a judgment in installments provided in KRS 187.440.

Section 20. (1) Except as expressly provided, a court conviction is not necessary to sustain a denial or revocation under this Act. Denial or revocation hereunder is an administrative act. Any person aggrieved by any ruling of the department under this law, other than orders of denial of registration or revocation of registration or operator's license when the facts render denial or revocation mandatory, shall advise the department of his grievance, stating the grounds for it. In not less than fifteen nor more than thirty days, the aggrieved party may petition the Franklin Circuit Court for relief. The court may grant adequate relief. A copy of the petition shall be filed with the department.

(2) Either the aggrieved person or the department may appeal from the decision of the court.

(3) Any person whose license or registration has been revoked under this law, or whose policy of insurance or bond has been cancelled or terminated, or who has neglected to furnish other proof upon request of the department shall immediately return his license and registration to the department. If any person fails to return the license, registration, as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and return the same to the department.

Section 21. This Act does not apply with respect to any motor vehicle owned by the United States, this state or any political subdivision of this state, nor, with respect to any motor vehicle which is subject to KRS Chapter 281.

Section 22. (1) Any person whose license or registration or non-resident's operating privilege has been denied or revoked under this law and who, during the denial or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by him to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than five hundred dollars or imprisoned not exceeding six months, or both.

(2) Any person willfully failing to return license or registration or number plates as required in subsection (3) of Section 21 shall be fined not more than five hundred dollars or imprisoned not to exceed thirty days, or both.

(3) Any person who forges or, without authority, signs any evidence of proof of financial responsibility or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(4) Any person who violates any provision of this law for which no penalty is otherwise provided shall be fined not more than five hundred dollars or imprisoned not more than ninety days, or both.

Section 23. This Act shall in no respect be considered as a repeal of any other state motor vehicle law but shall be construed as supplemental thereto.

Section 24. This Act shall become effective on January 1, 1969.

HB 77, AN ACT relating to judgments arising out of the operation of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the "Unsatisfied Claim and Judgment Fund Law."

Section 2. As used in this Act unless the context otherwise requires:

(1) "Board" means the Unsatisfied Claim and Judgment Fund Board created by this Act;

(2) "Director" means the Director appointed by the board to administer this law;

(3) "Treasurer" means the State Treasurer of Kentucky acting as the custodian of the Unsatisfied Claim and Judgment Fund;

(4) "Commissioner" means the Commissioner of Insurance;

(5) "Unsatisfied Claim and Judgment Fund" or "Fund" means the fund derived from the sources specified in this Act.

(6) "Unsatisfied Claim and Judgment Fund Fee" or "Fee" means the additional fee to be collected under this Act as a contribution to the fund from the owner of a motor vehicle upon the registration thereof in this State.

(7) "Qualified person" means a resident of this State or the owner of a motor vehicle registered in this State or a resident of another State, territory of Federal district of the United States or Province of the Dominion of Canada, or foreign country, in which recourse is afforded, to residents of this State, of substantially similar character to that provided for by this Act.

(8) "Uninsured motor vehicle" means a motor vehicle as to which there is not in force a liability policy meeting the requirements of KRS 187.490 of the Responsibility Law of this State, established pursuant to the provisions of KRS Chapter 187 or which is not owned by a holder of a certificate of self-insurance under said law.

(9) "Person" includes natural persons, firms, copartnerships, associations and corporations.

(10) "Insurer" means any insurer authorized in this State to write the kinds of insurance required by KRS Chapter 187.

(11) "Net direct written premiums" means direct gross premiums written on policies, insuring against legal liability for bodily injury or death and for damages to property arising out of the ownership, operation or maintenance of motor vehicles which are principally garaged in this State, less return premiums thereon and dividends paid to policyholders on such direct business.

(12) "Registration license year" means the period beginning January 1, 1969, and ending December 31, 1969, and each subsequent twelve month period, beginning January 1 and ending the following December 31.

Section 3. For the purpose of creating the fund:

(1) Every person registering an uninsured motor vehicle in this State for the yearly period commencing June 1, 1968, shall pay at the time of registering the same, in addition to any other fee prescribed by any other law, a fee of five dollars;

(2) Every person registering any other motor vehicle in this State for the yearly period commencing June 1, 1968, shall pay at the time of registering the same, in addition to any other fee prescribed by any other law, a fee of one dollar;

(3) On or before May 1, 1969, each insurer shall pay to the treasurer a sum equal to one-quarter of one percent of its net direct written premiums for the calendar year 1968 as shown in its annual statement filed with the commissioner;

(4) On December 30 in each year, beginning with 1969, the director shall calculate the probable amount which will be

needed to carry out the provisions of this Act during the ensuing registration license year. In such calculation, he shall take into consideration the amount presently reserved for pending claims, anticipated payments from the fund during said year, anticipated amounts to be reserved for claims pending during said year, and the desirability of maintaining a surplus over and above such anticipated payments and present and anticipated reserves, such surplus not to exceed the amount actually paid from the fund during the twelve full calendar months preceding the date of calculation. If, in his judgment, the estimated balance of the fund at the beginning of the next registration license year will be insufficient to meet such needs, he shall:

(a) Determine the amount to be fixed as the Unsatisfied Claim and Judgment Fund Fee for such registration license year. Such fee shall in no case exceed twenty-five dollars and shall be paid by each person registering an uninsured motor vehicle during such ensuing year at the time of registration in addition to any other fee prescribed by any other law;

(b) If the estimated total amount of Unsatisfied Claim and Judgment Fund Fees to be collected during the ensuing registration license year shall be insufficient, in the judgment of the director, to provide the estimated amount needed to carry out the provisions of this Act during the said ensuing registration license year, he shall assess this estimated deficiency against insurers for such year's contribution to the fund. Such deficiency shall be apportioned among such insurers in the proportion that the net direct written premiums of each bears to the aggregate net direct written premiums of all insurers during the preceding calendar year as shown by the records of the commissioner. Such aggregate assessment, however, shall in no event exceed one-fourth of one percent of the aggregate net direct written premiums for such preceding calendar year. Each insurer shall pay the sum so assessed to the treasurer on or before May 31, next following.

(5) Whenever any of the provisions of this Act concerning the method and sources of assessments, the maximum amounts payable from the fund, eligibility or qualifications of claimants, or amounts to be deducted from payments made from the fund

are amended by law, between January 1 and April 30 in any year, the director may, if he deems it necessary, rescind any assessment made on December 30 of the preceding year. He shall then, within 15 days of the adoption of such amendment, recalculate the probable amount which will be needed to carry out the provisions of this Act during the ensuing registration license year, in accordance with the provisions of subsection (4) of this section. If, in his judgment, the estimated balance of the fund at the beginning of the next registration license year will be insufficient to meet such needs, he shall determine the Unsatisfied Claim and Judgment Fund Fee and the contributions of insurers, if any, in accordance with the provisions of subsection (4) of this section. In the event of a rescission and reassessment subsequent to March 1 in any year, insurers shall pay the sum so assessed, if any, to the treasurer within ninety days of the date of such assessment.

(6) (a) Any person maintaining a motor vehicle in this state after December 31, 1968, which at the time of the registration of the motor vehicle had a policy of liability insurance in force as specified in this Act, and which during the registration license year lapses for failure to pay premiums or is terminated by the terms of the insurance contract, shall pay the full amount of the fees required of persons registering uninsured motor vehicles during the registration license year unless, within ten days after the lapsing or terminating of the policy, the policy is renewed or another policy is purchased from an insurer authorized to do business in this state.

(b) Every owner of a motor vehicle involved in an accident shall have a valid policy of liability insurance or have paid the fee required of persons registering uninsured motor vehicles as a condition precedent to the bringing or maintaining of any action for injuries to property or persons resulting from such accident.

(7) The county clerk shall collect the Unsatisfied Claim and Judgment Fund Fees provided in subsection (1), subsection (2), subsection (4) (a) and subsection (6) (a) and shall receive a fee of twenty-five cents therefor. The county clerk shall forward the Unsatisfied Claim and Judgment Fund Fees

collected by him to the director in such form as the Board prescribes. The director shall deposit these fees with the State Treasurer for the benefit of the Unsatisfied Claim and Judgment Fund.

Section 4. (1) There is established in, but not as a part of, the Division of Motor Transportation in the Department of Public Safety, an Unsatisfied Claim and Judgment Fund Board consisting of the director, the commissioner, and 4 representatives of insurers. The director shall administer this Act subject to the supervision of the board. The representatives of insurers shall be designated annually by the commissioner. He shall designate one representative of each of the following classes of companies:

(a) Stock company rating organization members;

(b) Mutual company rating organization members;

(c) Independent stock companies; and

(d) Independent mutual and other companies.

(2) A person designated as a representative shall be an employe or officer or agent of an insurer of the class which he represents. None of the members of the board shall receive any compensation or remuneration from the fund except for necessary traveling expenses. Such board shall maintain an office in this State, administer the fund subject to the provisions of this Act, determine its cash requirements, and the amounts, if any, available for investment, and shall have the power to employ such clerical and other help as necessary to the proper discharge of the duties of the board. The Department of Revenue in the administration of the Financial Responsibility Law and the board in the administration of this Act shall cooperate in order to avoid duplication and to achieve efficiency and economy. The board shall reimburse the Department of Motor Transportation semiannually for the reasonable and appropriate costs and expenses incurred in performing any service for the board under this Act. Expenses so incurred by the board or by any department, division or agency of the State on behalf of the board shall be assessed annually by it, against insurers pro rata in proportion to premium writings. Insurers shall be entitled to deduct any assessments so paid, from any assessments made by the director under said section.

Section 5. (1) The board may, from time to time, adopt, amend and enforce all reasonable rules and regulations necessary or desirable in its opinion in connection with its functions, duties and responsibilities in administering this Act.

(2) The board, with the approval of the Attorney General, shall have the power to engage the services of such attorneys and other persons as may be deemed necessary or desirable for the purpose of suing for, enforcing, collecting and taking any other action for the collection of moneys due to the director or treasurer on any right, claim, agreement, judgment, assignment and other obligation arising out of the application of this Act. After repayment to the director or treasurer of all sums paid from the fund and all moneys due to the director and treasurer on any one claim, agreement, judgment, assignment or other obligation, the director or treasurer may assign to the original claimant, judgment creditor or other person entitled thereto all of the right, title and interest that the director or treasurer has in and to the balance due upon such obligation. Any attorney so engaged shall not be deemed an employe of the board or the State of Kentucky, shall not be subject to the Civil Service laws and shall not have any right to continued employment in such capacity. The compensation of an attorney so engaged for services so rendered shall be deemed an expense of the board and shall be paid out of the moneys recovered on the obligation in connection with which the services were rendered, upon such terms as may be authorized by the board with the approval of the Attorney General.

Section 6. (1) Any qualified person, or the personal representative of such person, who suffers damages resulting from bodily injury or death or damage to property arising out of the ownership, maintenance or use of a motor vehicle in this State after December 31, 1969, and whose damages may be satisfied in whole or in part from the fund, shall, within ninety days after the accident, as a condition precedent to the right thereafter to apply for payment from the fund, give notice to the board, the form and contents of which shall be prescribed by the board, of his intention to make a claim thereon for such damages if otherwise uncollectible; except, that any qualified

person may, in lieu of giving said notice within said time, make proof to the court on the hearing of the application for the payment of a judgment (a) that he was physically incapable of giving notice within that period and that he gave said notice within 90 days after he became physically capable to do so or in the event he did not become so capable, that a notice was given on his behalf within a reasonable period, or (b) that he gave notice to the board within 15 days of receiving notice that an insurer had disclaimed on a policy of insurance so as to remove or withdraw liability insurance coverage for his claim against a person or persons who allegedly caused him to suffer damages. A copy of the complaint shall be furnished to the board if an action has theretofore been brought for the enforcement of such claim. Such person shall also notify the board of any action thereafter instituted for the enforcement of such claim within fifteen days after the institution thereof, and such notice shall be accompanied by a copy of the complaint.

(2) The provisions of any other law relating to the confidential nature of any reports or information furnished to or filed with the Department of Public Safety notwithstanding, the director may furnish to the board upon its request, for such use, utilization and purposes as the board may deem reasonably appropriate to administer this Act and discharge its functions hereunder, any reports or information filed by any person or persons claiming benefits under the provisions of this Act, that the director has with regard to any accident, and any operator or owner of a motor vehicle involved in any accident, and as to any automobile or motor vehicle liability insurance or bond carried by any operator or owner of any motor vehicle.

Section 7. (1) The board shall assign to insurers for investigation and defense, all default actions described in Section 15 and all actions against the treasurer brought under Section 19.

(2) Any time after the receipt of notice of intention to make a claim as provided in Section 6, the board may also assign such of said claims as in the judgment of the board it is advisable to investigate, to insurers for the purpose of making such investigation. At any time after receipt of notice of the institution of an action against the operator or owner of a motor vehicle

as provided in Section 6, the board may also assign such of said actions as in its judgment it is advisable to defend, to insurers for the purpose of conducting such defense.

(3) All assignments made under this section shall be made to insurers in proportion to their premium writings subject to assessment hereunder. Each insurer shall at its own expense (1) make such investigation as may be appropriate of any claim or action and (2) cause to be conducted on behalf of the fund the defense of any action assigned to it.

(4) After consultation with insurers the commissioner shall approve a reasonable plan for such equitable apportionment among such insurers of claims against operators and owners of motor vehicles, for investigation and defense, in accordance with the provisions of this Act. When any such plan has been so approved all insurers shall subscribe thereto and participate therein.

Section 8. The insurer to whom any action has been assigned may through counsel enter an appearance on behalf of the defendant, file a defense, appear at the trial or take such other steps as it may deem appropriate on the behalf and in the name of the defendant, and may thereupon, on the behalf and in the name of the defendant, conduct his defense, take recourse to any appropriate method of review on behalf of, and in the name of, the defendant, and all such acts shall be deemed to be the acts of such defendant; provided, however, that nothing contained herein shall deprive defendant of the right to also employ his own counsel and defend the action. All expenses incurred by such insurer in connection with any review prosecuted or defended by it from a judgment rendered in such action, shall be borne by the fund, and its attorney's fees in connection therewith shall be subject to approval by the court.

Section 9. In any case in which an insurer has assumed under the provisions of this Act, the defense of any action, the defendant shall co-operate with such insurer in the defense of such action. In the event of his failure to do so, such insurer may apply to the court for an order directing such co-operation,

Section 10. When any qualified person recovers a valid judgment in any court of competent jurisdiction in this State, against any other person, who was the operator or owner of a motor vehicle for injury to, or death of, any person or persons, or a similar valid judgment in such court against such a defendant for an amount in execess of one hundred dollars, exclusive of interest and costs, for damages to property, except property of others in charge of such operator or owner or such operator's or owner's employes, arising out of the ownership, maintenance or use of the motor vehicle in this State after December 31, 1968, and any amount remains unpaid thereon in the case of a judgment for bodily injury or death, or any amount in excess of one hundred dollars remains unpaid thereon in case of a judgment for damage to property, such judgment creditor may, upon the termination of all proceedings, including reviews and appeals in connection with such judgment, file a verified claim in the court in which the judgment was entered and, upon ten days' written notice to the board may apply to the court for an order directing payment out of the fund, of the amount unpaid upon such judgment for bodily injury or death which does not exceed ten thousand dollars for one person or twenty thousand dollars for two or more persons in any one accident or upon such judgment for damage to property which exceeds one hundred dollars and does not exceed five thousand dollars in any one accident or upon such judgment for property damage and bodily injury as does not exceed these limits.

Section 11. (1) The court shall proceed upon such application, in a summary manner, and, upon the hearing thereof, the applicant shall be required to show:

(a) He is not a person covered with respect to such injury or death by any workmen's compensation law, or the personal representative of such a person;

(b) He is not a spouse, parent or child of the judgment debtor, or the personal representative of such spouse, parent or child;

(c) He was not at the time of the accident a person (1) operating or riding in a motor vehicle which he had stolen or the permission of the owner, and is not the personal representa-

participated in stealing or (2) operating a motor vehicle without tive of such a person;

(d) He was not at the time of the accident, operating or riding in an uninsured motor vehicle owned by him or his spouse, parent or child, and was not operating a motor vehicle in violation of an order of suspension or revocation;

(e) He has complied with all of the requirements of Section 6 of this Act;

(f) The judgment debtor at the time of the accident was not insured under a policy of automobile liability insurance under the terms of which the insurer is liable to pay in whole or in part the amount of the judgment;

(g) He has obtained a judgment as set out in Section 10 of this Act stating the amount thereof and the amount owing thereon at the date of the application;

(h) He has caused to be issued a writ of execution upon said judgment and the sheriff or officer executing the same has made a return showing that no personal or real property of the judgment debtor, liable to be levied upon in satisfaction of the judgment, could be found or that the amount realized on the sale of them or of such of them as were found, under said execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

(i) He has caused the judgment debtor to make discovery under oath, pursuant to law, concerning his personal property and as to whether such judgment debtor was at the time of the accident insured under any policy or policies of insurance described in paragraph (f) of this subsection;

(j) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of personal or real property or other assets, liable to be sold or applied in satisfaction of the judgment;

(k) By such search he has discovered no personal or real property or other assets, liable to be sold or applied or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so sold and applied and that he

has taken all necessary action and proceedings for the realization thereof and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized;

(l) The application is not made by or on behalf of, any insurer by reason of the existence of a policy of insurance, whereby the insurer is liable to pay, in whole or in part, the amount of the judgment and that no part of the amount to be paid out of the fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of such a policy of insurance and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of such a policy of insurance;

(m) Whether or not he has recovered a judgment in an action against any other person against whom he has a cause of action in respect of his damages for bodily injury or death or damage to property arising out of the accident and what amounts, if any, he has received by way of payments upon the judgment, or by way of settlement of such cause of action, in whole or in part, from or on behalf of such other person.

(2) Whenever the applicant satisfies the court that it is not possible to comply with one or more of the requirements enumerated in paragraphs (h) and (i) of subsection (1) of this section and that the applicant has taken all reasonable steps to collect the amount of the judgment or the unsatisfied part thereof and has been unable to collect the same, the court may dispense with the necessity for complying with such requirements.

(3) The board or any insurer to which the action has been assigned may appear and be heard on application and show cause why the order should not be made.

Section 12. (1) The court shall make an order directed to the treasurer requiring him to make payment from the fund of such sum, if any, as it shall find to be payable upon said claim, pursuant to the provisions of and in accordance with the limitations contained in this Act, if the court is satisfied, upon the hearing:

(a) Of the truth of all matters required to be shown by the applicant by Section 11 of this Act;

(b) That the applicant has fully pursued and exhausted all remedies available to him for recovering damages against all persons mentioned in paragraph (m) of subsection (1) of Section 11 of this Act by:

1. Commencing action against all such persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages and prosecuting every such action in good faith to judgment and;
Section 11 of this Act by;

2. Taking all reasonable steps available to him to collect on every judgment so obtained and by applying the proceeds of any judgment or recovery so obtained towards satisfaction of the amount due upon the judgment for payment of which the claim is made.

(2) Any amount which the plaintiff has received or can collect by way of payments or by way of settlement of the cause of action, in whole or in part from or on behalf of any person other than the judgment debtor, described in paragraph (m) of subsection (1) of Section 11, shall be deducted from the amount due upon the judgment for payment of which claim is made.

Section 13. (1) In any action against an operator or owner of a motor vehicle for injury to or death of any person or for damage to property arising out of the ownership, maintenance or use of said vehicle in this State after March 31, 1969, pending in any court of competent jurisdiction in this State, the plaintiff may upon notice to the board file a verified petition with the court alleging:

(a) the matters set forth in paragraphs (a), (b), (c), (d), (e) and (f) of subsection (1) of Section II;

(b) that the petition is not presented on behalf of an insurer under circumstances set forth in paragraph (1) of subsection (1) of Section 11;

(c) that he has entered into an agreement with the defendant to settle all claims set forth in the complaint in said

action and the amount proposed to be paid to him pursuant thereto;

(d) that said proposed settlement has been consented to by the board;

(e) that the defendant has executed and delivered to the board a verified statement of his financial condition;

(f) that a judgment against the defendant would be uncollectible;

(g) that the defendant has undertaken in writing to repay to the treasurer the sum that he would be required to pay under such settlement, if approved by the court, and has executed a confession of judgment in connection therewith.

(2) If the court be satisfied of the truth of the allegations in said petition and of the fairness of such proposed settlement, it may enter an order approving the same and directing the treasurer, upon receipt of the undertaking and confession of judgment mentioned in paragraph (g) of subsection (1), to make payment to the plaintiff of the amount agreed to be accepted.

(3) An insurer to whom a claim has been assigned may settle any claim involving the payment of less than twenty-five hundred dollars with the approval of the director and any other one member of the board, or any claim involving a payment between twenty-five hundred dollars and five thousand dollars with the approval of the board, without court approval, if satisfied:

(a) that the claimant is not a person of the character described in paragraphs (a), (b), (c), (d), (e) and (f) of subsection (1) of Section 11;

(b) that the settlement is not made on the behalf of an insurer under circumstances set forth in paragraph (l) of subsection (1) of Section 11; and

(c) that a judgment against the owner or operator of the motor vehicle involved in the accident would be uncollectible, and that such owner or operator has consented to such settlement, executed and delivered to the board a verified statement of his financial condition and undertaken in writing to repay to

the treasurer the sum to be paid under the settlement, and executed a confession of judgment in connection therewith. Any settlement so made shall be certified by the board to the treasurer, who shall, upon receipt of said undertaking to repay and confession of judgment make the required payment to claimant out of the fund.

Section 14. No order shall be made for the payment, and the treasurer shall make no payment, out of the fund, of

(1) Any claim for damage to property for less than one hundred dollars.

(2) The first one hundred dollars of any judgment for damage to property or of the unsatisfied portion thereof, or

(3) The unsatisfied portion of any judgment which, after deducting one hundred dollars therefrom if the judgment is for damage to property, exceeds

(a) the maximum or limit of ten thousand dollars, exclusive of interest and costs, on account of injury to, or death of, one person in any one accident, and

(b) the maximum amount or limit, subject to such limit for any one person so injured or killed, of twenty thousand dollars, exclusive of interest and costs, on account of injury to, or death of, more than one person, in any one accident, and

(c) the maximum amount or limit of five thousand dollars exclusive of interest and costs for damages to property in any one accident.

All maximum amounts herein specified shall be reduced by any amount received or recovered as specified in pararaph (m) of subsection (1) of Section 11.

(4) Any claim for damage to property which includes any sum greater than the difference between said maximum amounts and the sum of one hundred dollars, and any amount paid out of the fund in excess of the amount so authorized may be recovered by the treasurer in an action brought by him against the person receiving the same.

Section 15. (1) No claim shall be allowed and ordered

to be paid out of the fund if the court shall find, upon the hearing for the allowance of the claim, that it is founded upon a judgment which was entered by default unless (1) the claimant shall have complied with the requirements of Section 6, and (2) prior to the entry of such judgment the board shall have been given notice of intention to enter the judgment and file a claim thereon against the fund and shall have been afforded an opportunity to take such action as it shall deem advisable under Section 16.

(2) If the court, upon a hearing for the allowance of any claim against the fund, finds that it was a claim which was not assigned by the board to an insurer in accordance with Section 7, or that the action upon such claim was not fully and fairly defended, or that the judgment thereon was entered upon the consent or with the agreement of the defendant, the court shall allow such claim but shall order it to be paid only in such sum as the court shall determine to be justly due and payable out of the fund, on the basis of the actual amount of damages for which the defendant was liable to the plaintiff under the cause of action, upon which the judgment was rendered and reduced by any amount received from any person mentioned in paragraph (m) of subsection (1) of Section 11, notwithstanding that the judgment is for a greater amount.

Section 16. (1) When the board receives notice, as provided in Section 15, the insurer to which such action has been assigned may through counsel enter an appearance, file an answer, appear at the trial, defend the action or take such other actions as it may deem appropriate on the behalf and in the name of the defendant, and take recourse to any appropriate method of review on behalf of, and in the name of, the defendant.

(2) In the event that the time allowed for filing an answer has expired or judgment has been entered by default in any such action, the insurer to which the action has been assigned shall be granted a reasonable time after the receipt of notice by the board to answer or to make application for relief against the judgment and leave to answer and defend such action.

Section 17. No claim against the fund shall be allowed in

allowance of the claim, that the judgment upon which the claim is founded was obtained by fraud, or by collusion of the plaintiff and of any defendant in the action, relating to any matter affecting the cause of action upon which such judgment is founded or the amount of damages assessed therein.

Section 18. The treasurer shall not pay any sum from the fund, in compliance with an order made for that purpose, in any case in which the claim is founded upon a judgment, except a judgment obtained against the board under this Act, until the applicant assigns the judgment to the board and, thereupon, the board shall be deemed to have all the rights of the judgment creditor under the judgment and shall be entitled to enforce the same for the full amount thereof with interest and costs and if more money is collected upon any such judgment than the amount paid out of the fund, the board shall pay the balance, after reimbursing the fund, to the judgment creditor.

Section 19. When the death of, or personal injury to, any person arises out of the ownership, maintenance or use of a motor vehicle in this State after March 31, 1969, but the identity of the motor vehicle and of the operator and owner thereof cannot be ascertained or it is established that the motor vehicle was at the time said accident occurred, in the possession of some person other than the owner without the owner's consent and that the identity of such person cannot be ascertained, any qualified person who would have a cause of action against the operator or owner or both in respect to such death or personal injury may bring an action therefor against the board in any court of competent jurisdiction, but no judgment against the board shall be entered in such an action unless the court is satisfied, upon the hearing of the action, that:

(a) The claimant has complied with the requirements of Section 6;

(b) The claimant is not a person covered with respect to such injury or death by any workmen's compensation law, or the personal representative of such a person;

(c) The claimant was not at the time of the accident operating or riding in an uninsured motor vehicle owned by

him or his spouse, parent or child, and was not operating a motor vehicle in violation of an order of suspension or revocation;

(d) The claimant has a cause of action against the operator or owner of such motor vehicle or against the operator who was operating the motor vehicle without the consent of the owner of the motor vehicle;

(e) All reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and operator thereof and either that the identity of the motor vehicle and the owner and operator thereof cannot be established, or that the identity of the operator, who was operating the motor vehicle without the owner's consent, cannot be established;

(f) The action is not brought by or on behalf of an insurer under circumstances set forth in paragraph (l) of subsection (1) of Section 11.

Section 20. When in an action in respect to the death of, or personal injury to, any person, arising out of the ownership, maintenance or use of a motor vehicle in this State after March 31, 1969, judgment is rendered for the defendant on the sole ground that such death or personal injury was occasioned by a motor vehicle:

(a) The identity of which, and of the owner and operator of which, has not been established, or;

(b) Which was in the possession of some person other than the owner of his agent without the consent of the owner and the identity of the operator has not been established, such cause shall be stated in the judgment and the plaintiff in such action may within three months from the date of the entry of such judgment make application for authority to bring an action upon said cause of action against the director in the manner provided in Section 19.

Section 21. When an action has been commenced in respect of the death or injury of any person arising out of the ownership, maintenance or use of a motor vehicle in this State after March 31, 1969, the plaintiff shall be entitled to make the board a party thereto if the provisions of Sections 19 or 20 shall

apply in any such case, and the plaintiff has made the application and the court has entered the order provided for in Section 19.

Section 22. In any action brought under Sections 19 and 20 of this Act, the board may appear by counsel for the insurer to whom such action has been assigned. It shall for all purposes of the action be deemed to be the defendant. It shall have available any and all defenses which would have been available to the operator or owner or both if the action had been brought against them or either of them and process upon them or either of them had been duly served within this State, but the board is entitled to defend in all cases without asserting any specific facts.

Section 23. In any action brought against the board pursuant to an order by the court entered in accordance with the provisions of Section 19, the plaintiff may file a verified petition alleging that he has entered into an agreement with the board to settle all claims set forth in the complaint in said action and the amount proposed to be paid to him pursuant thereto. If the court be satisfied of the fairness of such proposed settlement, it may enter an order approving such settlement and enter a judgment against the board for the amount so agreed to be paid thereunder.

Section 24. A judgment against the board shall be reduced by any amounts which such plaintiff has received from any person mentioned in paragraph (m) of subsection (1) of Section 11.

Section 25. When a judgment is obtained against the board in an action brought under this Act, upon the determination of all proceedings including appeals and reviews, the court shall make an order directed to the treasurer directing him to pay out of the fund to the plaintiff in the action the amount thereof which does not exceed ten thousand dollars, exclusive of interest and costs, on account of injury to, or death of one person and, subject to such limits for the death of, or injury to, any one person, does not exceed twenty thousand dollars, exclusive of interest and costs, on account of the injury to, or death of, more than one person, in any one accident, provided that such maxi-

mum amount shall be reduced by any amount received or recovered by the plaintiff as specified in paragraph (m) of subsection (1) of Section 11.

Section 26. When judgment has been obtained against the board in an action brought under this Act, the board shall, upon payment from the fund of the amount of the judgment to the extent provided in this Act, be subrogated to the cause of action of the judgment creditor against the operator and owner of the motor vehicle by which the accident was occasioned and shall be entitled to bring an action against either or both of such persons for the amount of the damage sustained by the judgment creditor when and in the event that the identity of either or both of such persons shall be established, and shall be entitled to recover the same out of any funds which would be payable in respect to the death or injury under any policy of insurance, which was in force, at the time of the accident and in event that more is recovered and collected in any such action than the amount paid out of the fund by reason of the judgment, the treasurer shall pay the balance, after reimbursing the fund, to the judgment creditor.

Section 27. (1) Where the license or privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or cancelled under the provisions of KRS Chapter 187, and the treasurer has paid from the fund any amount in settlement of a claim or towards satisfaction of a judgment against that person, the cancellation or suspension shall not be removed, nor the license, privileges, or registration, restored, nor shall any new license or privilege be issued or granted to, or registration be permitted to be made by, that person until he has

(a) Repaid in full to the treasurer the amount so paid by him together with interest thereon at four per centum per annum from the date of such payment; and

(b) Satisfied all requirements of KRS Chapter 187 in respect of giving proof of ability to respond in damages for future accidents, provided, that the court in which such judgment was rendered may, upon ten days' notice to the board, make

an order permitting payment of the amount of such person's indebtedness to the fund, to be made in installments, and in such case, such person's driver's license, or his driving privilege, or registration certificate, if the same have been suspended or revoked, or have expired, may be restored or renewed and shall remain in effect unless and until such person defaults in making any installment payment specified in such order. In the event of any such default, the director shall upon notice of such default suspend such person's driver's license, or driving privileges or registration certificate until the amount of his indebtedness to the fund has been paid in full.

(2) A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided for in this Act.

Section 28. All sums paid to the director as Unsatisfied Claim and Judgment Fund Fees shall be remitted to the treasurer within thirty days after the receipt of the same. All sums received by the treasurer pursuant to any of the provisions of this Act shall become part of the fund, and shall be held by the treasurer in trust for the carrying out of the purpose of this Act and for the payment of the cost of administering this Act. Said fund may be invested and reinvested in the same manner as other State funds and shall be disbursed according to the order of the treasurer, as custodian of the fund.

Section 29. The treasurer shall, on or before the thirtieth day of June in each year in which the provisions of this Act has been operative, determine what amount, if any, shall be paid into the General State Fund in repayment, in whole or in part, of the costs paid or incurred by the General State Fund for administering this Act during the current fiscal year and such amount shall be transferred from the fund to the General State Fund of the treasury accordingly.

Section 30. Any person and any agent or servant of such person, who knowingly files with the fund, board or treasurer, or any or either of them, any notice, statement or other document required under the provisions of this Act, which is false or untrue or contains any material misstatement of fact shall be subject to a fine of not less than one hundred dollars nor more than

five hundred dollars or imprisonment for not more than thirty days, or both.

HB 270, AN ACT relating to authorized investments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 291.080 is amended to read:

(1) The reserve fund and capital stock of each investment company doing business in this state, shall be invested in:

(a) Such real estate as may be necessary for the proper conduct of business;

(b) Bonds or mortgages, lien notes or deeds of trust on unencumbered real estate worth fifty percent more than the sum loaned thereon, exclusive of buildings, unless the buildings are insured, and the policy is transferred to the company and continued in force so long as the loan continues;

(c) Bonds of the United States, any state of the United States or of any county or incorporated city in the United States, authorized by law to be issued;

(d) Stock of any incorporated bank or trust company of this state or any national bank;

(e) First-mortgage bonds of any railroad, stocks and bonds of any bridge, water, street railway, gas or electric light company that has paid interest or dividends of not less than four percent per annum for the two years immediately preceding the time of the investment; [or]

(f) Like securities in any other county[.]; *or*

(g) Any investments authorized by KRS 386.020 (1) for fiduciaries.

(2) The securities mentioned in subsection (1) of this section must have a market value of not less than eighty percent of their par value.

SB 299, AN ACT relating to domestic stock insurers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.128 of the Kentucky Revised Statutes is amended to read as follows:

The insurer shall, prior to the *fifteenth day of May* [first day of April], hold the annual meeting of its shareholders for the purpose of receiving reports of its affairs and to elect directors, except, that as to insurers organized prior to September 1, 1950, the annual meeting shall be held at such time as is provided by its charter, or articles of incorporation, or bylaws.

SB 300, AN ACT relating to insurance and amending KRS 304.843 (1).

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.843 of the Kentucky Revised Statutes is amended to read as follows:

(1) The lives of a group of individuals may be insured under a policy issued to an association of public employes formed for the purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employes eligible for membership in such classes, which association shall be deemed the policyholder, to insure members of such association for the benefit of persons other than the association or any of its officials, subject to the following requirements:

(a) The persons eligible for insurance under the policy shall be all of the members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(b) The premium for the policy shall be paid by the policyholder, either from the association's own funds, or from charges collected from the insured members specifically for the insurance, or from both. Any charges collected from the insured members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be collected through

deductions by the employer from the salaries of the members. Such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent of the then eligible members of the association, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make the required deductions from salary.

(c) Charges collected from the insured members specifically for the insurance and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

(d) The policy must cover at least fifty persons at date of issue.

(e) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the association. Such amounts shall in no event exceed *ten* [three] thousand dollars in the case of any member, and shall not exceed five hundred dollars in the case of retired members and members over age sixty-five.

(2) As usd in this section, the term "public employes" means employes of the United States government, or of any state, or of any political subdivision or instrumentality of any of them.

The Committee on Banking and Insurance reported **HB 19, SB 179** and **SB 382** without expression of opinion.

The Committee on State Government reported **SR 46, SR 57, SB 293, SB 388, SB 363, SB 208, SB 2, SB 315, SB 383, SB 112, SB 375, SB 361, SB 245** and **SB 137** with the expression of opinion that the same should pass. Read at length for the first time and placed in the Calendar.

SR 46, A CONCURRENT RESOLUTION expressing the appreciation of the General Assembly for assistance in developing the rules of procedure.

WHEREAS, the House of Representatives and the Senate at

this session of the General Assembly have adopted parallel rules that effect substantial change in legislative procedure; and

WHEREAS, the General Assembly firmly believes that the rules will make for a more efficient and responsible conduct of the public business and strengthen the General Assembly as a truly coordinate branch of state government; and

WHEREAS, the General Assembly desires to recognize the contribution in this effort of persons not members of the 1968 General Assembly;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That this body does recognize the efforts of, and does express its appreciation to,

The Honorable Harry Lee Waterfield for his long advocation of legislative improvement and responsibility; for his leadership in legislative affairs as Speaker of the House, as President of the Senate, as Chairman of the Legislative Research Commission; for his stirring keynote address to the 1968 Pre-legislative Conference that set the context for acceptance of the 1968 Rules.

The Honorable Louis B. Kerberg, of the Louisville Area Chamber of Commerce, whose initiative in pointing out the basic weaknesses of General Assembly procedure and organization directly led to a statewide conference on the subject on June of 1967 and stimulated public interest in the question;

The Honorable Roy H. Owsley who as Chairman of the Kentucky Committee on the State Legislature developed a civic forum for consideration of legislative problems; who guided his committee in presenting a timely set of recommendations that facilitated adoption of the new procedures and organization; who, as chairman of said citizens' committee, will continue to lead in a study of the long range problems yet confronting the Kentucky General Assembly;

The Honorable James T. Fleming who, as Director of the General Assembly's Legislative Research Commission, has de-

voted a considerable portion of his public service to developing proposals for strengthening the legislature and who had the prime responsibility for drafting the rules under which the General Assembly does now operate.

Section 2. That, upon the adoption of this resolution, the Clerk of the Senate shall forward an attested copy to the aforementioned Messrs. Waterfield, Kerberg, Owsley and Fleming.

SR 57, A JOINT RESOLUTION directing the Legislative Research Commission to study the organization of Kentucky state government.

WHEREAS, it is mandatory that the 1968 General Assembly do everything within its power to promote economy and efficiency in government in order to reduce the burden imposed upon the taxpayers of the Commonwealth of Kentucky to the greatest extent possible, and

WHEREAS, the state government of the Commonwealth of Kentucky is composed of many departments, agencies, commissions, and boards which have the responsibility of administering the public laws of the Commonwealth, and

WHEREAS, this General Assembly should take whatever steps necessary to facilitate improvements and changes in state government which might better provide efficient and economical government for the citizens of the Commonwealth and in order to so provide, and

WHEREAS, no reorganization of the present structure of state government should be undertaken under KRS Chapter 12 without a thorough study and prior report to the General Assembly,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission shall make an in-depth study of the organization of state government, and the Commission is directed to examine the make-up of every department, agency, board, and commission of the Commonwealth of Kentucky for the purposes of determining its effectiveness and economy of operation. The Commission is

directed to find areas where existing services of state government may be rendered or carried on for less money, to determine if there exists any duplications of service, work or expenditure of funds which might be eliminated by a reorganization of departments and agencies and their operations.

Section 2. That the Commission is directed to summarize its findings in a report and make recommendations to this General Assembly prior to December 1, 1969, regarding any proposed reorganization and the implementation of any desirable changes or reorganization in the structure of state government.

SB 293, AN ACT relating to circuit clerks and county clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The circuit clerk and the county clerk of each county of the Commonwealth shall be paid, out of the excess fees of his office, an annual expense account allowance of twenty-four hundred dollars, the allowance shall be paid by equal monthly installments.

SB 388, AN ACT relating to the Kentucky National Guard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 38.480 is amended to read:

(1) Officers, warrant officers, and enlisted men of the Kentucky National Guard or Kentucky Active Militia ordered into active state service by the Governor *shall be deemed peace officers as defined in KRS 61.310 and 446.010 and shall have all the powers and immunities of peace officers and shall* not be liable, civilly or criminally, for any act done by them in pursuance of duty in *active state* [such] service.

(2) No officer, warrant officer, or enlisted man of the Kentucky National Guard or Kentucky Active Militia shall be arrested except in case of a felony while going to, remaining at, or returning from a place where he is ordered to attend for active state service.

SB 363, AN ACT relating to traffic controls on the State Fair Grounds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The State Fair Board is authorized to establish speed limits and other traffic control regulations governing the operation and parking of vehicles on State Fair Grounds property, including, without limitation, regulations with respect to the removal, impounding and release of vehicles parked or standing in violation of any regulation established pursuant to this subsection (1).

(2) Notice to the public of any speed limits or other traffic control regulations thus established shall be given by signs or markings.

(3) (a) Any person who violates any speed limit established by the State Fair Board shall be fined not less than ten nor more than one hundred dollars.

(b) Any person who violates any other traffic control regulation established by the State Fair Board shall be fined not less than five nor more than twenty-five dollars.

SB 208, AN ACT relating to the maximum interest rate for the issuance of assessment, revenue or mortgage bonds or notes of the state, any county, municipality, or public district or authority, except school districts, or any agency of any one or more of them.

WHEREAS, the principal development of revenue (including mortgage) and assessment bonds and notes in the field of municipal finance has occurred during the past forty years, which have been years of unusually low interest rates in the United States, with the result that most of the statutes enacted during that period have contained maximum interest rate limitaions more sringent than those now applied to the banking business; and

WHEREAS, said interest rate limitations are often unrealistic when measured against the increasing cost of money in national and international markets, with the result that some governmental units have been unable to issue bonds forneeded

projects, and others have done so only at the cost of adoption of terms or provisions which have not been deemed to be desirable from the point of view of the issuing authority; and

WHEREAS, it has been customary in most cases in the past to fix the maximum interest rate for such bonds at the maximum rate for ordinary bank loans, which is now seven percent, and it is deemed to be desirable to amend certain existing statutes to uermit such a maximum rate if the exigencies of the market should require it, and to provide an alternative maximum rate in other cases,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 56.513 is amended to read:

(1) When the State Property and Buildings Commission makes a determination, in accordance with the provisions of KRS Chapter 56, that one or more building projects will be financed by the issuance of revenue bonds, then in anticipation of such financing the commission may borrow money to provide interim financing therefor and issue in evidence thereof its revenue bond anticipation notes, bearing interest at a rate or rates not exceeding *seven* [six] percent per annum. Such interim financing may be entered into for the commission's own projects, for those of the University of Kentucky and the state colleges or for any other agency of the Commonwealth where approval by the commission is required regarding the issuance of revenue bonds of such an agency. In instances where the revenue bonds involved are to be issued by other agencies, such agencies, with the prior approval of the commission, may borrow money in the same manner and for the same purpose and issue in evidence thereof their own revenue bond anticipation notes, according to rules and regulations promulgated by the commission.

(2) The commission shall solicit proposals for such interim financing from at least three responsible lenders, and shall select in its discretion the best of such proposals consistent with sound financial practices. A selection may be made even though less than three proposals are received. The term of any such revenue bond anticipation note shall not exceed one year or the dura-

tion of the construction period, whichever is longer; and the same may be renewed, if necessary.

(3) Each revenue bond anticipation note shall include prepayment provisions which will allow the commission or other borrowing agency to prepay the loan after giving reasonable notice to the lender; shall identify the revenue bond issue from the proceeds of which the note or notes and any interest thereon are to be paid; and shall include a statement that the note is being issued in anticipation of the identified revenue bond issue, and that neither the note, nor the interest thereon, shall constitute or evidence an indebtedness of the Commonwealth of Kentucky. Each such note and the interest thereon (to any extent not previously paid from other sources) shall be paid from the proceeds of the identified revenue bond issue, when such proceeds have been received and are available.

(4) Instead of borrowing money and issuing revenue bond anticipation notes to the full amount necessary for construction contract purposes, the commission (or such agencies with the prior approval of the commission and according to its rules and regulations), may enter into loan agreements with one or more lenders (determined by the commission to be responsible) according to the terms of which it may be agreed (a) that the lender will continuously make available to the borrowing agency a stated maximum amount of money for a stated period of time, (b) that the borrowing agency may demand and obtain cash advances against such commitment from time to time upon reasonable and agreed notice, and upon issuing in evidence of each advance a bond anticipation note which will bear an agreed rate of interest, not to exceed *seven* [six] percent per annum, from its date until paid, and (c) that in consideration of the making of such loan agreement the borrowing agency will pay to the lender or lenders a commitment fee determined by the commission to be reasonable according to financial conditions existing at the time the loan agreement is made. Such loan agreements may be recorded as receivables upon the books of account of the commission, the Commissioner of Finance, or other borrowing agency, and construction contracts may be awarded against the same to the amount of money which the lender contractually agrees to make available to the borrowing agency, the same as

in the case of loan agreements made with department of agencies of the United States Government.

(5) Each revenue bond anticipation note issued according to this section, and the receipt of interest thereon, shall be exempt from all taxation by the Commonwealth and all of its subdivisions, municipalities and taxing authorities; and this may be stated as a representation in the text of each such revenue bond anticipation note.

Section 2. KRS 56.520 is amended to read:

(1) The commission is authorized and empowered to issue and sell revenue or other authorized bonds, in carrying out the provisions of this chapter, in such denominations and in such amount or amounts, as may be deemed to be for the best interest of the Commonwealth, for any of the following purposes:

(a) To acquire real estate;

(b) To pay all or any part of the expense or cost of or incidental to a building project;

(c) To defray the cost of plans, specifications, blue prints, architectural fees and other expenses authorized to be incurred under the terms of KRS Chapter 56.

(2) Any revenue bonds so issued shall bear interest at a rate not exceeding *seven* [five] percent per annum, payable semi-annually, and shall become due and payable not more than forty years from the date of issuance. The payment of the bonds, together with the interest thereon, may be secured by a pledge and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Neither the payment of any bond, nor the interest thereon issued under the authority of KRS Chapter 56, shall constitute an indebtedness of the Commonwealth of Kentucky, nor shall any bond or interest thereon be payable out of any fund except such funds as may be derived from rentals or other revenues derived from the operation of the properties or from such revenues as may have been, or may be, available for such purpose, or purposes, by law.

(3) All bonds which may be issued by the commission un-

der the provisions of KRS Chapter 56, shall be sold as provided in KRS 42.070 and after newspaper advertising conforming to the requirements of KRS Chapter 424.

(4) All competitive bids for the sale of such revenue bonds shall be opened and read publicly by the Commissioner of Finance or his representative at a designated place, day and hour, all of which shall be announced in the advertising made relative thereto.

(5) In the event the commission issues and sells bonds for a building project as authorized by KRS Chapter 56, insurance, including fire and windstorm, casualty, catastrophe, use and occupancy and such other insurance as the commission may deem advisable, shall be carried in connection with the building project, and it may so obligate and bind itself in a trust indenture securing the payment of such bonds. Any such insurance shall be paid for out of funds available for the project.

(6) All money from the sale of bonds shall be deposited in the State Treasury and shall be credited to a special account to be designated as directed by the department, and no part thereof shall be withdrawn from the State Treasury except for the purposes authorized by KRS Chapter 56, together with the cost incidental to the issuing and selling of such bonds and other expenses directly related thereto. The commission may provide in any trust indenture securing bonds for additional terms and conditions thereof, or for other restrictions not in conflict with KRS Chapter 56.

Section 3. KRS 58.030 is amended to read:

(1) The bonds may be issued to bear interest at the rate not to exceed *seven* [six] percent per annum, payable either annually or semiannually, and shall be executed in such manner and be payable at such times not exceeding forty years from date thereof and at such place or places as the governmental agency determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under

conditions fixed by the governmental agency before issuing the bonds.

(3) Any governmental agency is authorized to rent or lease such public project or any portion thereof to any persons, partnerships, associations, or corporations either public or private.

(4) A governmental agency is hereby empowered to accept donations or gifts to the public project from any source and to accept appropriations and grants to the public project from the Federal Government or any agency thereof and appropriations from the state or any county, city or other political subdivision and, at the option of the governmental agency, to pledge such donations, gifts or appropriations to the payment of revenue bonds issued to finance the cost of a public project.

Section 4. KRS 58.040 is amended to read:

Bonds issued pursuant to KRS 58.010 to 58.140 shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the governmental agency deems best, or any contract for the acquisition of a public project may provide that payment shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than *seven* [six] percent, except as provided in subsection (2) of KRS 58.030. The bonds shall be payable solely from the revenue derived from the public project and shall not constitute an indebtedness of the state, county, city or political subdivision within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 58.010 to 58.140 and that it does not constitute an indebtedness of the governmental agency within the meaning of the Constitution.

Section 5. KRS 58.235 is amended to read:

(1) The authority may provide for the issuance of revenue

bonds to pay all or any part of the cost of any projects undertaken pursuant to an agreement and lease. The principal and interest on such bonds are payable solely from the funds provided for such payment. Any issue may be in one or more series and any such series may enjoy equal or subordinate status with respect to the pledge of funds from which they are payable, shall be dated, shall bear interest at such rate or rates not exceeding *seven* [six] percent per annum, shall mature at such time or times not exceeding forty years from their date or dates, all as may be provided by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the facsimile signature of the chairman of the authority, and the seal of the authority or a facsimile thereof shall be affixed thereto and attested by the manual signature of the secretary of the authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of KRS 58.210 to 58.315 have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code, KRS Chapter 355. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The authority may sell such bonds in such manner, either at public or private sale and for such price as it may determine will best effect the purposes of KRS 58.210

to 58.315, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than *seven* [six] percent per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project or projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue exceed such cost, the surplus shall be deposited to the credit of the sinking fund or funds for such bonds or any account or accounts therein as the authority shall have provided in the proceedings or trust indenture authorizing and securing such bonds.

(3) Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are valuable for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provision of KRS 58.210 to 58.315 without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any proceedings or any other conditions or things, except as specifically required by KRS 58.210 to 58.315. KRS 58.210 to 58.315 will supersede KRS 56.450 in regard to the sale of revenue bonds by this authority.

Section 6. KRS 74.290 is amended to read:

(1) For the purpose of defraying the cost of constructing or acquiring any additions, extensions, and necessary appurtenances under KRS 74.280, the water district may borrow money and issue negotiable bonds. Before any bonds are issued an ordinance shall be enacted by the commission specifying the amount of the bonds and the rate of interest they are to bear, and reciting that the proposed additions, extensions or necessary appurtenances that are to be constructed or acquired are to be made pursuant to the provisions of KRS 74.280 to 74.310.

(2) All bonds issued under this section shall bear interest at a rate not exceeding *seven* [six] percent per annum payable either annually or semiannually, and shall be executed in such manner, and be payable at such times not exceeding fifty years from the date of issue, and at such place, as the commission shall determine.

(3) All such bonds shall be negotiable and shall not be subject to taxation. In any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid the same as if he had remained in office until delivery. The bonds shall be sold in such manner as the commission shall deem for the best interest of the water district, or the contract for the acquisition of any such additions, extensions and appurtenances to the water works may provide that payment shall be made in such bonds. The bonds shall be payable solely from the revenues of the water works and shall not constitute an indebtedness of the water district within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 74.280 to 74.310 and that it does not constitute an indebtedness of the water district within the meaning of the Constitution.

(4) If the commission finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the limitations prescribed for the original bonds.

Section 7. KRS 74.330 is amended to read:

Refunding bonds shall be issued under the signature of the chairman of the commission, the countersignature of the treasurer of the commission and the seal of the district. The bonds shall be serially numbered. The commission shall prescribe the form and denominations of the bonds, and the time, not exceeding thirty years, at which they will mature and be redeemable. The bonds shall bear not over *seven* [six] percent per annum interest, as the commission directs, payable either annually or semi-annually, and shall have interest coupons attached. The bonds shall not be sold for less than par and accrued interest, and their proceeds shall be used exclusively for the refunding of bonded debts. In case any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid the same as if he had been in office until delivery.

Section 8. KRS 80.570 is amended to read:

(1) Bonds of a commission shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates not exceeding *seven* [six] percent per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

(2) The bonds may be sold at public or private sale at not less than par.

(3) In case any of the commissioners or officers of the commission whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained

in office until such delivery. Any bonds issued pursuant to KRS 80.310 to 80.610 shall be fully negotiable.

(4) In any action or proceeding involving the validity or enforceability of any bond of a commission or the security therefor, any such bond reciting in substance that it has been issued by the commission to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of KRS 80.310 to 80.610.

Section 9. KRS 82.150 is amended to read:

(1) The principal of and the interest on such bonds shall be payable solely from the funds provided for such payment. The bonds of any issue may be in one or more series and any one or more such series may enjoy equal or subordinate status with respect to the pledge of funds from which they are payable, shall be dated, shall bear interest at such rate or rates not exceeding *seven* [six] percent per annum, shall mature at such time or times not exceeding forty years from their date or dates, all as may be provided by the city, and may be made redeemable before maturity, at the option of the city, at such price or prices and under such terms and conditions as may be fixed by the city prior to the issuance of the bonds.

(2) The city shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the facsimile signature of the mayor (or in the case of a city of the sixth class, the chairman of the board of trustees) and the seal of the city or a facsimile thereof shall be affixed thereto and attested by the manual signature of the city clerk, and any coupons attached thereto shall bear the facsimile signature of the mayor and the city clerk. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be

such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of KRS 82.140 to 82.165 shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the city may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

(3) The city may sell such bonds at a public sale in such manner as it may determine will best effect the purposes of KRS 82.140 to 82.165, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than *seven* [six] percent per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity.

Section 10. KRS 93.354 is amended to read:

(1) Any city of the first class may provide funds for carrying out the purposes of KRS 93.352 to 93.356, by the issuance and sale of revenue bonds. The city may from the proceeds of the bonds reimburse its general fund for any expenditures for such purposes made by it before sale and delivery of the bonds. The bonds shall not constitute an indebtedness of the city but shall be secured by such revenues as the legislative body of the city by ordinance provides. The legislative body may pledge all or any part of any one or more of the following:

(a) The revenues derived from the property acquired or constructed from the proceeds of such bonds;

(b) Any revenues of any other similar project whether acquired from the proceeds of similar bonds or otherwise;

(c) Any revenues derived by the city from street parking meters.

(2) The bonds shall be designated on their face, "Public Off-Street Parking Facilities Revenue Bonds." It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 93.352 to 93.356 and that it does not constitute an indebtedness of the city within the meaning of any constitutional provisions or limitations, or at all. The bonds shall be authorized by ordinance of the legislative body of the city. The bonds shall be dated, shall bear interest at rates not exceeding *seven* [five] per centum per annum, shall be in the denominations, shall be payable at the place, which may be at any bank or trust company within or without the Commonwealth, shall mature at the time not exceeding forty years from their date, and may be made redeemable before maturity, at the option of the city, at prices and under the terms and conditions, and shall be executed in the form and manner, all as fixed by the legislative body of the city prior to the issuance of the bonds. The legislative body shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds. In case any officer whose signature appears on any bonds or coupons ceases to be such officer before the delivery of the bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds may be issued in coupon or in registered form, or both, as the legislative body determines, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion of any bond registered as to both principal and interest into coupon bonds. Such bonds shall be exempt from taxation by the Commonwealth of Kentucky and by the municipalities and political subdivisions thereof. Such bonds may be issued without a vote of voters and without any other proceedings or happenings or any other conditions or things than those proceedings, conditions, and things which are specified and required by KRS 93.352 to 93.356. The legislative body may authorize the sale of the bonds in the manner and for the price it determines to be for the best interests of the city, but no sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than *seven* [five] per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with

standard tables of bond values. If the proceeds of the bonds by error of calculation or otherwise, are less than the cost of the facilities for which the bonds are authorized, additional bonds may in like manner be issued to provide the amount of the deficit, and unless otherwise provided in the ordinance authorizing the issuance of the bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. The ordinance authorizing the bonds may make such other conditions and provisions therefor, including provisions for the issuing of additional bonds and prescribing the relative priority thereof as the legislative body of the city deems desirable. Bonds issued pursuant to KRS 93.352 to 93.356 shall have and are hereby declared to have, in the hands of a bona fide holder, all of the qualities of negotiable instruments under the law of merchant, or the Uniform Commercial Code-Commercial Paper.

Section 11. KRS 96.380 is amended to read:

Bonds may be issued bearing interest at a rate not exceeding *seven* [six] percent per annum, payable semiannually, and shall be executed in such manner and be payable at such times not exceeding forty years from the date thereof and at such place or places as the city legislative body determines.

Section 12. KRS 96.390 is amended to read:

Bonds issued pursuant to KRS 96.370 shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the city legislative body deems for the best interest of the city, or any contract for the purchase or acquisition of any waterworks may provide that payment shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than *seven* [six] percent. The bonds shall be payable solely from the revenue funds derived from the waterworks as provided in KRS 96.430 and shall not constitute an indebtedness

of the city within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 96.350 to 96.510 and that it does not constitute an indebtedness of the city within the meaning of the Constitution.

Section 13. KRS 97.150 is amended to read:

For the purpose of defraying the cost of establishing, erecting and acquiring any recreational project and necessary appurtenances, any city may borrow money and issue bonds. The bonds may be issued bearing interest at a rate not exceeding *seven* [six] percent per annum, payable semiannually, and shall be executed in such manner and be payable at such times, not exceeding thirty years from the date of issuance, and at such place as the legislative body determines.

Section 14. KRS 97.160 is amended to read:

The bonds issued pursuant to KRS 97.150 shall be negotiable and shall not be subject to taxation. If the officers whose signatures or countersignatures appear on the bonds or coupons cease to be such officers before delivery of the bonds, the signatures or countersignatures shall nevertheless be valid. The bonds shall be sold in such manner and upon such terms as the legislative body of the city deems for the best interests of the city, or any contract for the acquisition of a project may provide that payment shall be made in bonds. In no event shall any bonds be negotiated on a basis to yield more than *seven* [six] percent interest per annum. The bonds shall be payable solely from the revenue funds derived from the operation of the project, and the bonds and other obligations incurred for the establishment and maintenance of a recreational project shall not constitute an indebtedness of the city within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 97.100 to 97.240 and does not constitute an indebtedness of the city within the meaning of the Constitution.

Section 15. KRS 103.220 is amended to read:

(1) The bonds may be issued to bear interest at a rate not

to exceed *seven* [six] percent per annum, payable either annually or semiannually, and shall be executed in such manner and be payable at such times not exceeding twenty-five years from date thereof and at such place or places as the city legislative body or the fiscal court of the county, as the case may be, determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under conditions fixed by the city legislative body or the fiscal court of the county, as the case may be, before issuing the bonds.

Section 16. KRS 103.230 is amended to read:

(1) Bonds issued pursuant to KRS 103.200 to 103.280 shall be negotiable. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold upon such terms as the city legislative body or the fiscal court of the county, as the case may be, deems best, or any contract for the acquisition of any industrial building may provide that payment shall be made in such bonds. The issuing authority may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine will best effect the purposes of KRS 103.230 to 103.260; provided, however, that no private or negotiated sale shall be made unless the amount of the issue equals or exceeds $10,000,000, and unless the business concern which is contracting to lease the industrial building shall have requested in writing, addressed to the chief executive of the issuing authority, that the sale of the bonds shall be made privately upon a negotiated basis. In no event shall any bonds be sold or negotiated on a basis to yield more than *seven* [six] percent, except as provided in subsection (2) of KRS 103.220.

(2) The bonds shall be payable solely from the revenue derived from the building, and shall not constitute an indebtedness of the city or county within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been

issued under the provisions of KRS 103.200 to 203.280 and that it does not constitute an indebtedness of the city or county within the meaning of the constitution.

Section 17. KRS 106.260 is amended to read:

Bonds issued pursuant to this chapter by water district commissioners and by a legislative body of a municipality may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium or payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of repurchase or redemption of all or any of said bonds before maturity in such manner and at such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the board prior to the sale of the bonds.

(2) The board at any time may issue and sell revenue bonds to finance improvement or issue and sell refunding bonds for the purpose of providing funds for the payment of any outstanding bonds issued in accordance with the provisions of this chapter. Such new bonds shall be issued, sold and secured in accordance with the provisions of this chapter for the issuance of the original revenue bonds.

(3) All revenue bonds issued pursuant to the provisions of this chapter in the hands of bona fide holders, shall have all the qualities and incidents of negotiable instruments under the law merchant. All bonds shall be sold to the highest responsible bidder at such time and place as shall have been fixed by the board in the notice of the sale of said bonds, which notice shall have been advertised by publication pursuant to KRS Ch. 424. The board shall receive written, sealed competitive bids, which shall be publicly opened and read at the time and place specified in the notice of sale. The board may reject all bids and readvertise. No revenue bonds shall be sold for less than par, plus accrued interest, and no bonds shall bear

interest at a rate in excess of *seven* [six] percent per annum, interest payable semiannually.

Section 18. KRS 107.200 is amended to read:

If any city of the classes referred to in this chapter shall adopt the Third Ordinance, herein referred to, and shall publicly solicit the submission of bids or proposals for the purchasing of its "Improvement Assessment Bonds" for the project identified therein, and shall fail to receive a bid upon terms of price and/or interest coupon rate, or rates, conforming to the published notice and acceptable to the governing body, the bonds, or a portion thereof, may be awarded to the contractor, or contractors, at a price of not less than the minimum price permitted by the said published notice, and bearing one or more interest coupon rates not exceeding the rate, or rates, permitted in the said published notice (but not in any event upon such terms as may cause the interest cost basis to the city to exceed *seven* [six] percent per annum), but only upon the following conditions:

(a) The entire bond issue authorized by the Third Ordinance may be awarded to the contractor, or contractors, if it or they shall submit to, and obtain formal approval by, the governing body of the city, of a written undertaking (approved as to form and substance by the city's duly designated legal counsel), (i) agreeing to accept in full and agreed payment of the amount, or the aggregate of the amounts, of their respective contracts, bonds as authorized by the Third Ordinance equal in principal amount (or as near thereto as may be practicable) to the amount, or the aggregate of the amounts of their contracts, (in which event such bonds shall be the latest maturing and highest numbered of the bonds authorized by the Third Ordinance), and (ii) agreeing to pay to the city, in cash, the purchase price of the bonds to the extent that the same exceeds the aggregate amount of the contracts of the contractor, or contractors, who are signatories of such written instrument; or

(b) Bonds equal to the amount, or amounts, of the contracts of the contractors, or contractors, who are signatories of a written instrument agreeing to accept the same in payment thereof, approved as to form and substance by the city's

properly designated legal counsel, may be awarded to such contractor, or contractors, in the event the city is able to, and does, (within constitutional restrictions) appropriate from available funds a sum in cash sufficient to defray all costs of the project, as defined in this chapter, in excess of the amount of such construction contract, or the aggregate of the several contracts. In such event, the sum so appropriated by the governing body of the city shall be applied to the payment of such costs;

(c) In the event of procedure as set forth in either subsection (a) or (b) of this section, the bonds awarded to the contractor, or contractors, (other than those paid for in cash as set forth in the foregoing subsection (a)), shall be placed by the city, in escrow, with a responsible financial institution, with written instructions that the same may be released to the contractor, or contractors, from time to time, but in principal amount not exceeding seventy-five percent of the amount certified in writing by the engineer, or engineers, to the said escrow agent, and the city, to have been theretofore earned by and payable to the identified contractor, or contractors, under the terms and conditions of their respective contracts. Upon final approval and acceptance of the project by the governing body, the reserved twenty-five percent of such bonds may be released and delivered to such contractor, or contractors.

Section 19. KRS 125.330 is amended to read:

For the purpose of defraying the cost of any voting machine project, the commission may borrow money from any agency of the federal government or it may issue and sell its voting machine first mortgage revenue bonds, after adopting a resolution specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear, not exceeding *seven* [six] percent per annum. Such first mortgage revenue bonds may be issued, sold or exchanged as provided for in KRS 125.310 to 125.430, or as provided in KRS Chapters 56 or 58, or by other laws.

Section 20. KRS 162.350 is amended to read:

The governing body of a state educational institution erecting a building or buildings pursuant to KRS 162.340 is subject

to the provisions of KRS 162.170 to 162.240, KRS 162.260, 162.270 and 162.290, except that part of KRS 162.190 that provides that the bonds shall be payable solely from the revenue derived from the particular building or buildings thus erected and also except that part of KRS 162.170 that requires compliance with KRS 162.160, *and that part of KRS 162.170 and 162.180 which establishes a maximum interest rate of six percent per annum. The maximum rate for the purposes of this Act shall be seven percent per annum.* When so applied these sections shall be so read that:

(1) "City" means "state educational institution";

(2) "Ordinance" means "resolution";

(3) "Governing body of the city" means "governing body of the institution";

(4) "School buildings" means the type of buildings contemplated by KRS 162.340;

(5) "Thirty years" in KRS 162.180 means "forty years";

(6) "KRS 162.230" in KRS 162.190 and 162.220, means "KRS 162.230, 162.360 and 162.370";

(7) "KRS 162.150 to KRS 162.280" means "KRS 162.350 to 162.380."

Section 21. KRS 175.500 is amended to read:

(1) The authority is hereby authorized to provide, at one time or from time to time, for the issuance of its turnpike revenue bonds for the purpose of paying all or any part of the cost of any one or more turnpike projects undertaken pursuant to an agreement and lease. The principal of and the interest on such bonds shall be payable solely from the funds provided for such payment. The bonds of any issue may be in one or more series and any one or more such series may enjoy equal or subordinate status with respect to the pledge of funds from which they are payable, shall be dated, shall bear interest at such rate or rates not exceeding *seven* [six] percent per annum, shall mature at such time or times not exceeding forty years from their date or dates, all as may be provided by the authority,

and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the facsimile signature of the chairman of the authority, and the sale of the authority or a facsimile thereof shall be affixed thereto and attested by the manual signature of the secretary of the authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effect the purposes of this chapter, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than *seven* [six] percent per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike project or

projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund or funds for such bonds or any account or accounts therein as the authority shall have provided in the proceedings or trust indenture authorizing and securing such bonds.

(3) Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau of agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things, except as specifically required by this chapter.

Section 22. KRS 180.080 is amended to read:

(1) The bonds shall bear interest of not over *seven* [six] percent per annum, as fixed by the department, and shall mature not less than one year from their issuance, at a date fixed by the department. The interest on the bonds shall be paid semiannually on January 1 and July 1. The bonds shall be free from taxation.

(2) The bonds may provide that they or any of them may

be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds at a price not exceeding 103 and accrued interest, under conditions fixed by the department before issuing the bonds.

Section 23. KRS 220.390 is amended to read:

Bonds authorized under the provisions of KRS 220.380 to 220.520 may be issued bearing interest at a rate not exceeding *seven* [six] percent per annum, payable semiannually, and shall be executed in such manner and be payable at such time, not exceeding forty years from the date thereof, and at such place or places, as the board of directors shall determine.

Section 24. KRS 220.400 is amended to read:

Bonds issued under the provisions of KRS 220.380 to 220.520 shall be negotiable and shall not be subject to taxation. If any officer whose signature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the board of directors deem for the best interest of the district. In no event shall any bonds be sold on a basis to yield more than *seven* [six] percent per annum. The bonds shall be payable solely from the revenue funds derived from the rentals from services rendered by the district to the inhabitants thereof, as provided in KRS 220.510, and shall not constitute an indebtedness of the district within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 220.010 to 220.520, and that it does not constitute an indebtedness of the district within the meaning of the Constitution.

Section 25. A new section of the Kentucky Revised Statutes is created to read:

Any assessment, revenue or mortgage bonds hereafter authorized to be issued by the state, any county, municipality, or other public district or authority, except a school district, or any corporation or other corporate body acting as an agency or

instrumentality of such unit, whether created by statute or organized under the provisions of the non-profit corporation laws, under the provisions of any law heretofore enacted or hereafter enacted without specific provisions for exemption from the terms of this Act, may, upon authorization by the governing body of such unit by specific reference to this Act in the resolution or ordinance authorizing the bonds, bear interest, or be executed with attached coupons representing interest thereon, not exceeding seven per cent per annum, calculated upon the sale price of the bonds.

Section 26. A new section of the Kentucky Revised Statutes is created to read:

As used herein, the term "revenue bonds" shall mean bonds, notes or other obligations for the payment of money issued by the state, any county, municipality, or other public district or authority, except a school district, or any corporation or other corporate body acting as an agency or instrumentality of such unit, and payable from a special fund into which some or all of the revenues of a public project have been or will be paid. The term "assessment bonds" shall mean bonds, notes or other obligations for the payment of money issued by any one or more of the same issuing authorities payable from a special fund into which special assessments levied upon properties for benefits conferred have been or will be paid in accordance with law. "Mortgage bonds" are revenue bonds which are secured by a mortgage deed of trust.

Section 27. A new section of the Kentucky Revised Statutes is created to read:

Section 25 of this Act shall not be deemed to repeal any other statute specifying a limit in the maximum interest rate for any municipal bond, but shall be construed, except in the case of school districts, as permitting an alternate maximum rate if specified in the resolution or ordinance authorizing the bonds. If no specification of an alternate maximum rate is made in such resolution or ordinance as specified herein, the maximum rate specified in the statute under which the bonds are issued shall apply.

Section 28. Whereas many municipalities have been delayed or hindered in their revenue and assessment bond financing by reason of the interest rate limitations inherent in existing law, and this Act would permit the avoidance of such difficulties by establishing a more realistic maximum, while still permitting actual rates to be established by the market situation, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

SB 2, AN ACT relating to special automobile license plates for the handicapped.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. On the application of any person who has lost the use of a leg or both legs, or an arm or both arms, or any combination thereof, or any person who is blind, the Department of Revenue shall issue the handicapped person special registration plates designating the vehicle licensed as belonging to a handicapped person. The registration plates issued shall, reading from left to right, bear a handicapped insignia approved by the department and shall be followed by such numbers or letters as the department finds expedient. The department shall not issue registration plates so designated to any person other than a handicapped person. The department shall not charge any fee, other than the regular fee for annual registration, for the issuance of the registration plates.

Section 2. When a motor vehicle bearing plates issued to a handicapped person as prescribed in this Act is being operated by or for the benefit of the handicapped person, the motor vehicle may be parked for a period of two hours in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations prohibit parking on a highway for the purpose of creating a fire lane or where the ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours or where the motor vehicle is parked in such a manner as to clearly be a traffic hazard.

Section 3. Any person who is not a handicapped person as prescribed in this Act and who wilfully and falsely represents himself as having the qualifications to obtain such vehicle registration plates in an attempt to procure the special plates prescribed by this Act shall be fined fifty dollars, and in default of payment, shall be imprisoned for not more than ten days.

SB 315, AN ACT relating to the archives and records of the state.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 42.180 of Chapter 42 of the Kentucky Revised Statutes is amended to read as follows:

(1) The functions of the state relating to archives and records, set out in KRS 171.410 to 171.740, are assigned to the Department of Finance. The Commissioner of Finance shall establish within the department *the Division of Records* [an administrative unit] to administer the provisions of KRS 171.410 to 171.740. *The Archives and Records Commission shall advise the Commissioner of Finance on matters relating to the final disposition of any public records.* [The department shall receive advice from the State Archives and Records Commission on matters relating to archives and records.]

(2) The Division of Records shall be headed by a director appointed by the Commissioner of Finance.

(3) To avoid the duplication of services, any particular records which are of historical value shall be transferred from the custody of the Division of Records to the archives of the Kentucky Historical Society, upon request by the Executives Committee of the Society, and the Division shall furnish the Society with information concerning the identity and location of all records of historical value in the custody of the Division.

SB 383, AN ACT relating to planning and zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.111 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Administrative Official" means any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation;

(2) "Board" means the board of adjustments unless the context indicates otherwise;

(3) "Citizen member" means any member of the planning commission or board of adjustments who is not an elected or appointed official or employee of the city or county;

(4) "Commission" means planning commission;

(5) "Conditional use" means a use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation;

(6) "Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustments, consisting of two parts;

(a) A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and

(b) A statement of the specific conditions which must be met in order for the use to be permitted.

(7) "Dimensional variance" means a departure from the terms of the zoning regulation pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size,

shape or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship;

(8) "Fiscal court" means the chief body of the county with legislative power, whether it is the fiscal court, county commissioners or otherwise;

(9) "Housing or building regulation" means any regulation incorporating any housing, building or safety code, including, but not limited to such codes as plumbing, electrical, elevator, boiler, fire safety, and minimum housing, or any other regulation;

(10) "Legislative body" means the chief body of the city with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court;

(11) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees, or otherwise;

(12) "Non-conforming use or structure" means an activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located;

(13) "Planning operations" means the formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans;

(14) "Planning unit" means any city or county, or any combination of cities, counties, or parts of counties engaged in planning operations;

(15) "Plat" means the map of a subdivision;

(16) "Political subdivision" means any city or county;

(17) "Regulation" means any enactment by the legislative body of a city or county whether it is an ordinance, resolu-

tion, or an order and shall include regulations for the subdivision of land adopted by the planning commission;

(18) "Several" means two or more;

(19) "Public facility" means any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries;

(20) "Streets" means any vehicular way;

(21) "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs;

(22) "Subdivision" means *any* [the] division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale [lease] or building development, or [if] *creating* a new street; [is involved, any division of a parcel of land;] provided that a division of land for agricultural purposes into lots of parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The terms includes re-subdivision and when appropriate to the context, shall relate to the process of *subdividing* [subdivision] or to the land subdivided;

(23) "Unit" means planning unit.

Section 2. Section 100.113 of the Kentucky Revised Statutes is amended to read as follows:

Before any planning operations may begin, a planning unit must be formed and designated. Planning units may consist of a city or a county, acting independently in accordance with *KRS 100.117* [this section]; cities and their county, jointly, in accordance with *KRS 100.121* [KRS 100.117]; or groups of counties and their cities, regionally, in accordance with *KRS 100.123* [KRS 100.121].

Section 3. Section 100.131 of the Kentucky Revised Statutes is amended to read as follows:

(1) *The jurisdiction of a planning unit shall be coterminous with its political boundaries except as otherwise provided in this section. In order to protect the health, safety, and welfare of its residents, an independent city planning unit may exercise extra-territorial jurisdiction for the purposes of subdivision regulations and, with the consent of the fiscal court, other regulations.*

(2) *Extra-territorial jurisdiction may be exercised after a comprehensive plan has been adopted for the area or in accordance with KRS 100.334(2). Such jurisdiction for purposes of subdivision regulations may extend into an area up to five miles beyond the city boundaries. Jurisdiction for purposes of other regulations may be extended to any area with the consent of the fiscal court. In either case, extra-territorial jurisdiction shall not extend beyond the county boundary, nor within the boundary of any city not in such planning unit; provided, however, that wherever such statutory extra-territorial powers shall conflict, the jurisdiction over the area shall be divided midway between the boundaries of the cities concerned.*

(3) *Such extra-territorial jurisdiction shall cease when the county forms an independent planning unit and adopts subdivision regulations for the area then regulated by the independent city planning unit. The date of transfer of control shall be the effective date of the county planning unit's subdivision regulations.*

(4) *Nothing herein, however, shall prevent any planning unit from making planning studies of areas located outside its jurisdiction.*

[An independent city planning unit may exercise extra-territorial jurisdiction for the purposes of subdivision regulations, and with the consent of the fiscal court, other regulations up to five miles from all points upon the city's boundary, but not beyond the county boundary, nor within the boundary of any city not in such planning unit; provided, however, that where the extra-territorial jurisdiction of planning units overlap, the boundary shall be midway between them. The jurisdiction of

joint and regional planning units shall be coterminous with their political boundaries. Nothing herein, however, shall prevent any planning unit from making planning studies of areas located outside its jurisdiction.]

Section 4. Section 100.137 of the Kentucky Revised Statutes is amended to read as follows:

(1) Counties *containing a city of the first class* [with a population of 300,000 or more inhabitants] shall be a planning unit and shall have a planning commission which [commission] shall be composed of three members, who are non-residents of the largest city of the county, appointed by the county judge of such county, three members who are residents of the largest city of the county appointed by the mayor of that city, and the mayor of the largest city, the county judge, the director of works of the largest city in the county and the county road engineer.

(2) *The term of office of the appointed members of the commission shall be four years, but the term of office of members first appointed shall be staggered at the discretion of the appointing authority and later appointments shall continue the staggered pattern.*

(3) [2] In counties containing a city of the first class, all legislation implementing or amending the plan or amended plan which affects cities of the first through fourth classes shall be enacted by such cities and all other legislation implementing the plan or amended plan shall be enacted by the fiscal court.

(4) Five members shall constitute a quorum for commissions created in counties containing a city of the first class. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business for such commissions, unless otherwise restricted by regulation or bylaw.

(5) [3] In all other counties the establishment of a planning unit is optional, but any planning unit established in other counties shall comply with the remaining provisions of this chapter:

Section 5. Section 100.141 of the Kentucky Revised Statutes is amended to read as follows:

(1) *The appointing authority for an independent planning commission for either a city or a county shall be the mayor or the county judge respectively.*

(2) *The appointing authority for a joint or regional planning commission shall be the major of each city which is a member of the planning unit and the county judge of each county which is a member of the planning unit.*

(3) *All appointments shall be approved by the respective legislative bodies.*

[The mayor of each city entitled to one or more members and the county judge of each county shall appoint the members of the planning commission with the approval of their respective legislative bodies.]

Section 6. Section 100.171 of the Kentucky Revised Statutes is amended as follows:

(1) A simple majority of the total membership of a planning commission as established by regulation or agreement shall constitute a quorum. Any member of a planning commission who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question, and he shall not be counted for the purpose of a quorum. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business. [except that a vote of a simple majority of the total membership shall be necessary for the adoption or amendment of the commission's bylaws, or for elements of the comprehensive plan or regulations.]

(2) A planning commission may appoint one or more of its members to act as a hearing examiner or examiners to preside over a public hearing and make recommendations to the commission based upon a transcript of record of the hearing.

Section 7. Section 100.183 of the Kentucky Revised Statutes is amended to read as follows:

(1) The planning commission of each unit shall prepare a comprehensive plan, which shall serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationship. The elements of the plan may be expressed in words, graphics, or other appropriate forms. They shall be interrelated, and each element shall describe how it relates to each of the other elements and to the statement of objectives, principles, policies and standards.

(2) *During the preparation of the comprehensive plan, the planning commission shall consult with public officials and agencies, boards of health, school boards, public and private utility companies, civic, educational, professional and other organizations, soil conservation districts and with citizens.*

(3) *Comprehensive plans when written by a joint or regional commission shall be in conformity with those plans in existence for and developed by soil conservation districts.*

Section 8. Section 100.187 of the Kentucky Revised Statutes is amended to read as follows:

The comprehensive plan shall contain, as a minimum, the following elements;

(1) A statement of goals and objectives, [principles, policies, and standards, which shall serve as a guide for the physical development and economic and social well-being of the planning unit] *which shall be prepared and adopted by each planning commission to serve as a guide for the preparation of the remaining elements and the aids to implementing the plan.*

(2) A land use plan element, which shall show proposals for the most appropriate, economic, desirable and feasible patterns for the general location, character, extent, and interrelationship of the manner in which the community should use its public and private land at specified times as far into the future as is reasonable to foresee. Such land uses may cover, without being limited to, public and private, residential, commercial, industrial, agricultural and recreational land uses.

(3) A transportation plan element, which shall show pro-

posals for the most desirable, appropriate, economic and feasible pattern for the general location, character, and extent of the channels, routes, and terminals for transportation facilities for the circulation of persons and goods for specified times as far into the future as is reasonable to foresee. Such channels, routes, and terminals may include, without being limited to all classes of highways or streets, railways, airways, waterways; routings for mass transit trucks, etc.; and terminals for people, goods, or vehicles related to highways, airways, waterways, and railways.

(4) A community facilities plan element which shall show proposals for the most desirable, appropriate, economic and feasible pattern for the general location, character, and the extent of public and semipublic buildings, land, and facilities for specified times as far into the future as is reasonable to foresee. Such facilities may include, without being limited to, parks and recreation, schools and other educational or cultural facilities, libraries, churches, hospitals, social, welfare and medical facilities, utilities, fire stations, police stations, jails, or other public offices or administrative facilities.

(5) The comprehensive plan may include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and other programs which in the judgment of the planning commission will further serve the purposes of the comprehensive plan.

Section 9. Section 100.193 of the Kentucky Revised Statutes is repealed.

Section 10. Section 100.197 of the Kentucky Revised Statutes is amended to read as follows:

(1) *The planning commission may adopt the various elements as they are completed, or as a whole when all have been completed. The commission shall hold a public hearing when all elements have been completed or on each element or change thereto before adoption. Adoption shall be by a simple majority vote of the total commission membership.*

(2) *An amendment shall follow the same procedure as for the original adoption.*

(3) *The comprehensive plan is a guide and shall be reviewed and amended from time to time to reflect changes in social, economic and physical conditions.*

[All elements of the comprehensive plan shall be prepared with a view towards carrying out the statement of objectives, principles, policies, and standards of the unit. The various elements may be adopted as they are completed, or as a whole when all have been completed. The planning commission shall hold a public hearing and adopt the elements by a regulation which may be carried only by a simple majority vote of the total commission membership. The comprehensive plan elements, and their research basis, shall be reviewed from time to time in light of social, economic, technical and physical advancements or changes. The procedure for amendment shall be the same as for the original adoption. The elements shall be reviewed and amended, if necessary, at least once every five years, but no comprehensive plan shall be declared invalid on the grounds that the review was not performed.]

Section 11. Section 100.201 of the Kentucky Revised Statutes is amended to read as follows:

Cities and counties which are members of a planning unit which has adopted at least the objectives *and* [of] the land use plan elements may divide the territory within their area of jurisdiction into zones on *a* [an interim or] permanent basis to promote public health, safety, morals, *or* [and] general welfare of the planning unit to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, zoning may be employed to provide for vehicle parking and loading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other dangers. Zoning may also be employed to protect airports, highways, and other transportation facilities, public facilities, including schools and public grounds, historical districts, central business districts, natural

resources, and other specific areas of the planning unit which need special protection by the planning unit.

Section 12. Section 100.203 of the Kentucky Revised Statutes is amended to read as follows:

Cities and counties may exercise the power to zone through zoning regulations which shall contain:

(1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of dimensional variances, conditional use permits, and for nonconforming use of land and structures and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:

(a) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of water courses, and other bodies of water, as well as land subject to flooding;

(b) The size, width, height, bulk, location of structures, buildings and signs;

(c) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;

(d) Intensity of use and density of population floor area to ground area ratios, or other means;

(e) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitation; [and conservation districts] planned neighborhood and group housing districts;

(f) Fringe areas of each district, by imposing requirements which will make it compatible with neighboring districts;

(g) The activities and structures on the land or at near major thoroughfares, their intersections, and inter-changes, and

transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, flood plain areas, and other places having a special character or use affecting or affected by their surroundings.

(2) The text may provide that the planning unit, as a condition to the granting of any zoning change, may require the submission of a development plan, which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within a certain period of time of not less than one year; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

(3) A map, which shall show the boundaries of the area which is to be zoned, and the boundaries of each zone;

(4) Text provisions to the effect that land which is used solely for agricultural, farming, dairying, stock-raising, or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings, except that (a) setback lines may be required for the protection of existing and proposed streets and highways, and (b) that all buildings or structures in a designated floodway or flood plain of which tend to increase flood heights or obstruct the flow of flood water may be fully regulated.

Section 13. Section 100.207 of the Kentucky Revised Statutes is amended to read as follows:

The planning commission shall prepare the text and map of all zoning regulations and shall hold at least one public hearing as required in KRS Chapter 424. The text and map shall be submitted to the commission with its recommendations for adoption to the various legislative bodies and fiscal courts. Adoption may be by a simple majority vote. If any fiscal court or legislative body wishes to change or depart from the text or map as recommended for adoption by the commission such change or departure shall first be referred to the commission for its reconsideration, a public hearing, and a recommendation. A majority

of a quorum of the legislative body or fiscal court shall be sufficient to override this recommendation of the planning commission. [Except as provided in subsection (2) of KRS 100.137, when the planning commission has adopted the objectives and land use plan elements for the planning unit, the various legislative bodies and fiscal courts of the cities and counties which are members of the unit may pass zoning regulations. The planning commission shall prepare the text and map of all zoning regulations and shall hold at least one public hearing as required in KRS Ch. 424. The planning commission shall submit it along with their recommendations to the various legislative bodies and fiscal courts for adoption or denial. A majority of the entire legislative body or fiscal court shall be required to pass a zoning regulation which contains any changes or departures from the zoning regulation as proposed by the planning commission after the change has been referred to the planning commission for its recommendation. The procedure for adoption of the zoning regulation shall be the same as for any other regulation or order; provided, however, that, notwithstanding publication requirements, the zoning regulation may be published by stating the title and general description of the regulations and referring to the place within the unit where a copy of the complete regulation may be examined without charge.]

Section 14. Section 100.273 of the Kentucky Revised Statutes is amended to read as follows:

Any planning commission which has completed the objectives, land use plan, transportation plan, and community facilities elements of a comprehensive plan may adopt regulations for the subdivision of land within its *jurisdiction* [boundaries].

Section 15. Section 100.277 of the Kentucky Revised Statutes is amended to read as follows:

All subdivision of land shall receive commission approval;

(1) No person or his agent shall subdivide any land, before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved

by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.

(2) No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission and has been recorded. [Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved.] The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.

(3) Any street or other public ground which has been dedicated shall not be accepted by the legislative body until it has received recommendations from the planning commission.

Section 16. Section 100.321 of the Kentucky Revised Statutes is amended to read as follows:

Any legislative body in the planning unit must refer any change to the [zoning regulation or] official map regulation to the commission for its review before adoption. The commission shall review the proposal, and shall, within sixty days from the date of its receipt, advise the legislative body whether it approves or disapproves of the change, and if it disapproves, state the reasons for disapproval. A majority of *a quorum* [the entire membership] of the referring legislative body shall be *sufficient* [required] to override the disapproval by the planning commission.

Section 17. Section 100.337 of the Kentucky Revised Statutes is amended to read as follows:

Any legislative body, fiscal court or commission shall have a cause of action for all appropriate relief including injunctions

against any governmental bodies or any [aggrieved] person who violates this chapter or regulations adopted hereunder.

Section 18. Section 100.367 of the Kentucky Revised Statutes is amended to read as follows:

(1) *This chapter shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before June 16, 1966.*

(2) *This chapter shall not affect the right of any political subdivision having elected to operate pursuant to Chapter 100 KRS or KRS 147.130 to 147.180 prior to June 16, 1966, to continue thereafter to operate pursuant thereto for a period not exceeding five years ending on June 16, 1971. If at any time during the five year period such political subdivision elects to operate under this chapter it shall operate under this chapter or it may, with the approval of the commission thereby created, continue to operate under the repealed statutes, but in no event shall it operate under the repealed statutes beyond the five year grace period ending on June 16, 1971. The requirements of this chapter shall not invalidate, or require the readoption or ratification of, existing plans, regulations or rules in existence on June 16, 1966, even though a political subdivision has begun to operate under this chapter.*

(3) *Not later than June 16, 1971, all organizations, plans and regulations of any political subdivision affecting planning and zoning must be in conformity with the provisions of this chapter. All records of any existing planning commission and board of adjustment shall immediately be transferred to the commission and board created pursuant to this chapter and the powers and duties of the old commission and board shall cease; however, if any such commission shall be nearing the completion of any plan or part thereof, or if any matter is pending before any such board, the transfer of records and the termination of the powers and duties of such commission and board may be postponed until completion of the plan or part thereof or until all pending matters have been decided. Such postponements, however, shall not exceed a period of six months and in no event extend beyond June 16, 1971.*

[This chapter does not affect rights and duties that matured, penalties that were incurred or proceedings that were begun before June 16, 1966. All existing plans, and regulations as amended to June 16, 1966, and all organizations which are in existence on June 16, 1966, may continue in force until they are superceded by action of the proper appointing authority or until five years from June 16, 1966, whichever occurs first. At that time all organizations, plans, and regulations will be in conformance with the provisions of this chapter. Upon appointment of the planning commission and board of adjustments, all records of any existing planning commission and board of adjustments in such county or city shall be transferred to the newly appointed commission and the board respectively, and the powers and duties of the then existing planning commission and board of adjustments shall cease; but, if any such then existing commission shall be nearing the completion of any plan or part thereof, or if any matter is pending before any such then existing board, the said transfer of records and the termination of the powers and duties of such commission or board may be postponed until the completion of such plan or part thereof or until all such pending matters have been decided. Such postponements, however, shall not exceed a period of more than six months.]

SB 112, AN ACT relating to carrying concealed deadly weapons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 435.230 is amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon other than an ordinary pocket knife, to a minor, shall be *fined not less than fifty or more than five hundred dollars, or imprisoned in the county jail for not less than thirty days or more than twelve months, or both.* [confined in the penitentiary for not less than two nor more than five years.]

(2) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the

discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

SB 375, AN ACT relating to land acquisition for use of the Commonwealth, Department of Parks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 148.021 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Parks shall exercise all administrative functions of the state relating to the operation of state parks, shrines, monuments, and museums except those allocated to the Historical Society.

(2) The department may *request acquisition,* [acquire], subject to the provisions of KRS Chapters 42, 45, [and] 56, *and the provisions made in this chapter,* of lands by purchase, lease or otherwise, on which to operate state parks.

(3) The department may improve said parks by constructing and equipping improvements of facilities in said parks.

(4) The department may operate said parks, and fix fees and charges for the use of said parks and the improvements and facilities constructed therein, and provided for the collection of said fees and charges and the proper accounting therefor.

(5) The Department of Parks is authorized to enter into any agreement with the Breaks Interstate Park Commission for the operation of any facilities in the Breaks Interstate Park.

(6) The Department of Parks is authorized to accept, for deposit in a trust and agency fund account in accordance with KRS 45.140, on behalf of the state any grant or contribution, federal or otherwise, to assist in meeting the cost of carrying out the functions assigned to the Department of Parks.

(7) Notwithstanding any provision in KRS Chapters 41,

45, or 47 to the contrary, there may be established separate cash funds and depositories at each state park from which immediate payment of refunds may be made to a patron or guest of such state park of any unearned money advanced or paid by such guest or patron. The department may accept from a guest or patron an amount which includes the fee for the service rendered plus a gratuity for the waitress or other designated person and remit the gratuity directly from the depository or cash fund to the designated recipient thereof. Such funds or depositories shall be governed by regulations established by the Department of Parks and approved by the Department of Finance.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The Department of Parks, may, through its Commissioner, determine the need for lands or waters, or any interest or estate therein, located in Kentucky, having scenic beauty, material or recreational utility, historic interest, natural phenomena or other unusual features which should be acquired, preserved and maintained as a part of the State Park System of Kentucky. If a determination is made that any such property or interest therein should be acquired for use in the State Park System, the finding of such determination by the Commissioner of Parks shall be conveyed in writing to the Department of Finance. Such written notification shall apprise the Department of Finance of the interest sought to be acquired and shall serve as a request that the Department of Finance proceed, pursuant to the powers vested in the Department of Finance by KRS Chapters 42, 45 and 56, to acquire the property or interest therein sought for use of the Department of Parks.

Section 3. Sections 148.061 and 148.071 of the Kentucky Revised Statutes are repealed.

SB 361, AN ACT relating to alcohol.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 222.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a commission to be hereafter known as the Kentucky Commission on Alcohol[ism.] *Problems.*

(2) The commission shall consist of *nine* [seven] members with an interest in and knowledge of the alcohol[ism] problem, said members to be appointed by the Governor. *The members shall qualify by having professional, research or personal experience with alcohol problems.* At least two of the *nine* [seven] members shall be doctors, and one of the doctors shall be a psychiatrist. Three members shall be appointed for a term of one year, *three* [two] members shall be appointed for a term of two years and *three* [two] members shall be appointed for a term of three years. At the expiration of these terms appointments shall be for terms of four years. Appointments shall be made by the Governor to fill any existing vacancies. *Members of the commission shall serve without pay, but shall receive their actual and necessary expenses incurred while on the business of the commission. The commission shall meet at least once every three months; the commission shall be attached to the Department of Mental Health for administrative purposes.*

(3) The duties of the commission shall be to advise the Department of *Mental* Health on all matters relating to alcohol[ism.] *problems and to advise and assist the Interagency Council on Alcohol Problems with its comprehensive program. The scope of these activities shall include but not be limited to:*

(a) Assist community mental health center alcohol coordinators and other experienced personnel throughout the state to provide in-service training for classroom teachers who will teach elementary and secondary classes on the nature and effect of the use of beverage alcohol;

(b) Encourage and assist universities and colleges in this state who give degrees or have major fields of study in social work to include courses examining alcohol-related problems;

(c) Encourage and assist universities and colleges in this state who give degrees or have major fields of study in education to include courses preparing elementary and secondary teachers to most effectively present the nature and effect of th use of beverage alcohol;

(d) Encourage the Department of Labor and labor organizations to establish adult education courses on alcohol;

(e) Stimulate community interest in alcohol-related problems through community center activities, churches, programs in industry, the news media, or by any other appropriate activity;

(f) Cooperate with the Department of Personnel in the establishment of qualifications and in-service training programs for social workers or other state employees whose employment may bring them into contact with alcohol-related problems; and

(g) Formulate consistent terminology and definitions for alcohol related problems for data analysis purposes by agencies of this state.

(4) The commission may invite the Kentucky Juvenile Delinquency Prevention and Youth Development Foundation Inc. to appoint a committee of three young people to assist the commission in planning youth alcohol education programs. The members of the youth committee may be paid actual expenses while serving with the commission.

Section 2. Section 222.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of *Mental* Health shall study the problems of alcoholism with in the state, formulate and carry out programs of education designed to to curb the excessive use of alcohol and reduce the number of alcoholics, establish such facilities and employ such personnel as are necessary and available for the diagnosis and rehabilitation of alcoholics, and accept for examination, diagnosis, guidance and treatment any person coming to it of his own volition for advice and guidance.

(2) The department may contract for space and facilities to be used for out-patient clinics, and may contract with hospitals and private doctors for the emergency hospitalization and care of chronic alcoholics. The department may enter into cooperative agreements with municipal and other agencies operating facilities for treating alcoholics, and it may employ such medical, psychiatric, psychological, secretarial and other as-

sistance as may be necessary to carry out the purposes of this section.

(3) The department may accept gifts, bequests, contributions and patient fees, at its discretion, and use such funds to further the purposes of this section.

(4) The department may establish rules and regulations for the admission of patients to its facilities and may set fees for treatment. Fees shall be scaled according to the ability of the patient to pay.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Department of Mental Health is further designated to carry out the planning activities of the Commonwealth in the field of alcoholism and to coordinate the activities of other State agencies in combating the problem of alcoholism, as they may effect those State agency programs or persons under their respective charge and care.

(2) To initiate and implement the purposes set forth in this Act, there is established within the Department of Mental Health an Office of Alcoholism. The Director shall be appointed by the Commissioner of Mental Health with the approval of the Governor.

(3) To implement the coordination of State agencies' alcoholism programs, there is hereby established an Interagency Council on Alcoholisms which shall be composed of, but not restricted to, a representative from each of the following Departments: Child Welfare, Corrections, Economic Security, Education, Health, Labor, Public Safety, Tuberculosis Hospital Commission, and Personnel. The Commissioner of each department named to the council shall designate a representative from his department to the Interagency Council on Alcoholisms. The designated representative shall be the staff member charged with alcoholism program responsibility within that department.

(4) A coordinator shall be appointed in the Office of Alcoholism, Department of Mental Health to implement the Interagency Council on Alcoholisms to conduct ongoing activities

of the Council to develop coordination and planning between the Office of Alcoholism and the agencies represented on the Interagency Council of Alcoholisms.

(5) The provisions of this Act shall be in addition to any present statutory responsibility given to state departments.

SB 245, AN ACT relating to housing of state agencies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 56.463 of the Kentucky Revised Statutes is amended to read as follows:

The department shall have the power and duty:

(1) To determine the comparative needs and demands of the various state agencies for acquiring real estate and for building projects.

(2) To purchase or otherwise acquire all real property determined to be neded for state use and upon the approval of the Commissioner of Finance as to the determination of need and as to the action of purchase or other acquisition, except as provided in KRS Chapters 175, 176, 177, and 180. All such acquisitions of real property or interests therein shall be made in accordance with KRS 45.360.

(3) To sell or otherwise dispose of all property, including any interest in real property, of the state that is not needed or has become unsuitable for public use or would be more suitable consistent with the public interest for some other use as determined by the Commissioner of Finance. All such sales or other disposition shall be made in accordance with KRS 45.360.

(4) (a) To control the use of any real property owned or otherwise held by the Commonwealth, or any state agency, and to determine for what periods of time and for what purposes any state agency may use the same, including the agency for whose use it was initially acquired or improved, and to determine what appropriate use shall be made of such real property during periods that the department finds the same is not required for the purposes of any particular state agency.

(b) To determine the housing and furnishings needs of the various state agencies located in Frankfort and to establish and put into effect a permanent program for housing them. The department is also authorized and directed to allocate office space and furnishings in existing public buildings located in Frankfort according to the needs of the various agencies and when necessary to provide additional office space and furnishings in Frankfort under any building program the department deems most advisable and economical for the state. The permanent housing program shall [include provisions] *allocate at least that portion of the New State Capitol occupied by the Legislative Research Commission and the General Assembly as of July 1, 1967,* for housing the General Assembly and its related agencies, including the Legislative Research Commission, *and shall include provisions for housing* the Executive Offices, the Court of Appeals and the Clerk of the Court of Appeals, the Department of Law and the Law Library in the New State Capitol. *Permanent Office space for the Legislative Research Commission and for the director thereof and employes or subcommittees shall be provided on the third floor of the State Capitol. In the event additional space is necessary for the use of the Legislative Research Commission it shall be provided, at the direction of the Legislative Research Commission, as closely to the third floor of the New State Capitol as feasible. When the General Assembly is not in session, the commission shall have jurisdiction over the use of the House and Senate chambers and over the allocation of all rooms used by the General Assembly while in session. The commission may provide for such other office space as it may deem necessary.* If there be any additional space in the Capitol, it shall be assigned to agencies whose activities are most closely related to the agencies directed to be located permanently in the Capitol.

(5) To acquire, by condemnation in any manner provided in KRS Chapter 416, or KRS 177.081 to 177.089, any real estate necessary for use by the state or by any state agency, when the department is unable to agree with the owner thereof on a price for such real estate.

(6) To lease any real property, or any interest in such real property, owned by the state or any agency thereof, in accordance with KRS 45.360.

(7) To provide for and adopt such plans and specifications as may be necessary, to advertise for and receive bids for any expenditures proposed to be made, to award contracts for the purpose authorized, to supervise construction and make such changes and revisions in plans and specifications or in construction as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purposes of this chapter, including the right to employ such clerks, engineers, statisticians, architects or other persons required to be employed in order to fulfill the functions of the Commonwealth relating to state property and buildings provided in KRS 56.450 to 56.550.

(8) To adopt such rules and regulations as may be necessary to govern the acquisition, control, and disposition of the real property to which this section is applicable.

SB 137, AN ACT relating to the Kentucky Historical Society.

WHEREAS, the Kentucky Historical Society is the oldest continuously functioning state historical society in the United States, and

WHEREAS, the membership of the Society now exceeds 5000, which is more than double the number of members two years ago, and

WHEREAS, the Old State Capitol Building has been occupied by the Society and used as its Headquarters since 1920, and

WHEREAS, the Annex to the Old State Capitol Building will be occupied by the Society and used for purposes of the Society as soon as the said Annex is vacated by those agencies of the Commonwealth which now occupy it but which will move out as soon as construction of the Capital Plaza Office Building is completed, and

WHEREAS, the Grounds surrounding the Old State Capitol Building and its Annex should be preserved and used in a manner consistent with the preservation and use of the said Capitol Building and its Annex, and

WHEREAS, the custody of the Old State Capitol Building,

the Annex, and the Grounds is not now clearly vested by law in the Saciety, and

WHEREAS, the maintenance and preservation of these historical buildings and grouds is not now specifically prescribed by law.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 171.315 of Chapter 171 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Headquarters of the Kentucky Historical Society shall be located in the Old State Capitol Building, and the said Society shall control in all respects the manner in which the said Capitol Building and the space therein, shall be used. The said Society shall exercise the same control over the Old State Capitol Building Annex, and the Society shall use the said Annex for such purposes of the Society as it shall deem necessary and proper. The Grounds around the Old State Capitol Building and its Annex, such Grounds being now bounded by Broadway, Madison, Clinton, and Lewis Streets, shall be subject to the control of the said Society and be used by the Society, for such purposes of the Society as it shall deem necessary and proper. No major alterations or other changes concerning the said Building, Annex, or Grounds shall be made without the approval of the Commissioner of Finance and the Governor. The maintenance and security of the said Building, Annex, and Grounds shall be the responsibility of the Department of Finance.

(2) No part of, or interest in, the real property hereinabove specified shall be leased, sold, or otherwise disposed of under any circumstances. Said real property, including the building interiors, shall be maintained and preserved in a manner consistent with the best interests of the Commonwealth.

[The Kentucky Historical Society shall constitute an independent agency of the state government within the meaning of KRS Chapter 12. All powers conferred by law upon the Kentucky Historical Society shall be exercised subject to the provisions of KRS Chapters 42, 45, 56, and 64.]

The Committee on Judiciary reported **SB 274, SB 340, SB 247,** and **SB 264** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 274, AN ACT relating to stenographic reporters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 28.510 is amended to read:

The judge of the police court in cities of the first class and cities of the second class [, in counties having a population of seventy-five thousand or more,] may appoint, for a term of not more than four years, a stenographic reporter. He shall be paid by the city a salary of three thousand dollars per annum, and the judge may remove him at pleasure. The stenographer may have such vacation as the judge allows, not exceeding thirty days in any one year. During vacation, the judge of the police court may appoint a reporter pro tem who shall be paid at the rate of ten dollars per diem during the vacation period of the regular stenographic reporter. The reporter pro tem's salary shall not exceed three hundred dollars in any one year.

SB 340, AN ACT relating to the Department of Law and the employment of attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 15.020 of the Kentucky Revised Statutes is amended to read as follows:

The Attorney-General is the chief law officer of the Commonwealth of Kentucky and all of its departments, commissions, agencies, and political subdivisions, and the legal adviser of all state officers, departments, commissions, and agencies, and when requested in writing shall furnish to them his written opinion touching any of their official duties, and shall prepare proper drafts of all instruments of writing required for public use, and shall exercise all common law duties and authority pertaining to

the office of the Attorney-General under the common law, except when modified by statutory enactment. He shall appear for the Commonwealth in all cases in the Court of Appeals wherein the Commonwealth is interested, and shall also commence all actions or enter his appearance in all cases, hearings, and proceedings in and before all other courts, tribunals, or commissions in or out of the state, and attend to all litigation and legal business in or out of the state required of him by law, or in which the Commonwealth has an interest, and any litigation or legal business that any state officer, department, commission, or agency may have in connection with, or growing out of, his or its official duties, except where it is made the duty of the Commonwealth's attorney or county attorney to represent the Commonwealth. [; When any attorney is employed for any said agency, the same shall have the approval of such agency before such employment.]

Section 2. Section 15.060 of the Kentucky Revised Statutes is amended to read as follows:

The Attorney-General shall:

(1) With the assistance of the Auditor of Public Accounts and the Department of Revenue, investigate the condition of all unsatisfied claims, demand, accounts and judgments in favor of the Commonwealth.

(2) When he believes that any fraudulent, erroneous or illegal fee bill, account, credit, charge or claim has been erroneously or improperly approved, allowed or paid out of the Treasury to any person, institute the necessary actions to recover the same. To this end he may employ assistants and experts to assist in examining the fee bills, accounts, settlements, credits and claims, and the books, records and papers of any of the officers of the Commonwealth.

(3) Institute the necessary actions to collect and cause the payment into the Treasury of all unsatisfied claims, demands, accounts and judgments in favor of the Commonwealth. [, except where specific statutory authority is given the Department of Revenue to do so.]

Section 3. A new section of Chapter 15 of the Kentucky Revised Statutes is created to read as follows:

(1) Notwithstanding any other provision of law to the contrary, the Attorney General will have the sole authority, except as set out in (2) herein, to appoint and employ attorneys to perform all legal services for the Commonwealth of Kentucky or any of its agencies, departments, commissions or boards.

(2) The Governor, the Lieutenant Governor, the Legislative Research Commission, and the Court of Appeals may employ attorneys as their appropriation may permit for the purpose of representing, assisting, and advising that particular office or agency. Attorneys may be employed by any department, board, commission or agency as hearing officers or in other positions not involving the providing of legal advice or representation.

Section 4. Section 37.310 of the Kentucky Revised Statutes is amended to read as follows:

If any member of the Active Militia, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil *or criminal* court action, it shall be the duty of the Attorney-General to represent the member of the Active Militia in any civil proceedings so begun. [If, under the same conditions, a member of the Active Militia is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the Active Militia, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that department are paid.]

Section 5. Section 38.240 of the Kentucky Revised Statutes is amended to read as follows:

If any member of the National Guard, when on duty or assembled therefor under lawful authority, does any act in the

discharge of his duty that causes him to be proceeded against by civil *or criminal* court action, the Attorney General shall represent him in the civil proceedings. [If, under the same conditions, a member of the National Guard is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint legal counsel to represent him in the criminal proceedings. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor.]

Section 6. Section 287.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director of banking may authorize special deputy directors and may employ [counsel and] assistance necessary in the liquidation and distribution of the assets of a bank or trust company, and he may retain such officers or employes of the bank or trust company as he deems necessary.

(2) When deputy directors of banking are appointed to assist in liquidating and distributing the assets of an insolvent bank or trust company, the certificates of appointment shall be filed in the office of the director of banking, and certified copies thereof shall be filed in the office of the circuit court in the county in which the office of the insolvent bank or trust company is located.

Section 7. Section 341.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 341.460, within twenty days after the date of the decision of the commission, any party aggrieved thereby may, after exhausting his remedies before the commission, secure judicial review thereof by filing a complaint against the commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the commission shall be made a defendant in such action. The complaint shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the plaintiff or his attorney. The plaintiff shall furnish copies thereof for each defendant to the

commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the complaint directing the commission to file answer within twenty days after service thereof. Such summons shall be served upon a member of the commission, or upon such person as the commission designates, and such service shall be deemed complete service upon all members of the commission. The commission *shall* [may] be represented by [any qualified attorney designated by the commission for that purpose or, at the request of the commission, by] the Attorney General. With its answer, the commission shall certify and file as an exhibit with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein. If consented to by the plaintiff and the adverse party, an abstract of any portion of the record may be certified by the commission in lieu of certifying such portion of the record in full. The commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the commission. The court on its own motion or on the motion of an interested party shall assign a date certain for the review, irrespective of the regular term of court. The clerk of the court shall notify the attorneys of record, the date assigned for review at least ten days in advance thereof. The court shall enter judgment, affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the commission, and may in advance of judgment, remand the case to the commission for further proceedings in accordance with the direction of the court.

(4) An appeal may be taken from the decision of the circuit court to the Court of Appeals, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in equity cases.

(5) It shall not be necessary, in any judicial proceeding under this section or KRS 341.460, to have entered exceptions to the rulings of the commission, and no bond shall be required for entering such appeal. Upon the final determination of such

judicial proceeding, the commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the commission shall so order.

Section 8. Section 336.030 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner, with the approval of the Governor, shall appoint necessary deputies, [attorneys,] statisticians, inspectors and other employes and fix their salaries according to law. These employes shall receive their actual necessary expenses.

Section 9. Section 134.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Revenue may act in the name of and in behalf of the state and in the name of and in behalf of any and all counties, school and other taxing districts in the state, except cities, to institute and prosecute any action or proceeding for the collection of delinquent taxes and the assessment of omitted property. All power and authority heretofore or now vested in revenue agents, auditor's agents, sheriffs and other state, county or district agents or officers relating to the bringing or prosecution of actions or proceedings for the purposes contemplated by this subsection are transferred to and vested in the commissioner.

[(2) The commissioner may employ field agents, accountants and attorneys to prosecute all such actions and proceedings, and may fix their compensation, including the payment of their necessary expenses. Their employment and compensation shall be approved by the Governor in writing. The commissioner shall prosecute diligently, or cause to be prosecuted by field agents, accountants and attorneys employed by him, the collection of all delinquent taxes due the state.]

(2) At the request of the commissioner, the Attorney General shall prosecute all such actions and proceedings for the collection of all delinquent taxes due the state. The commissioner may employ field agents and accountants to assist the Attorney General.

(3) Nothing contained in this chapter shall prevent the Commissioner of Revenue from assessing any property in accordance with the provisions of KRS 136.020, 136.030, 136.050, 136.120 to 136.180 or 136.270.

(4) The Department of Revenue may require any reports necessary to administer the law in connection with the collection of delinquent taxes, and may promulgate rules and regulations as to how the tax bills, certificates of delinquency and other forms shall be filed and recorded. The department shall require an index to be kept of all certificates of delinquency.

Section 10. Section 212.270 of the Kentucky Revised Statutes is amended to read as follows:

The county and Commonwealth's attorneys and the Attorney-General, within their respective jurisdictions, shall represent the state and local boards of health in all matters relating to the enforcement of the health and medical laws and the performance of the duties of those boards, but when the State Board of Health deems it necessary, it may employ at its discretion [special attorneys and] inspectors to assist the county and Commonwealth's attorneys or the Attorney-General and may pay reasonable compensation for the same from any unexpended funds at its disposal.

Section 11. Section 161.370 of the Kentucky Revised Statutes is amended to read as follows:

The State Treasurer, the Auditor of Public Accounts and the Attorney-General shall be treasurer, auditor and legal adviser, respectively, of the board of trustees, and shall be liable upon their official bonds for the faithful performance of such duties. They shall serve without compensation. [When the board of trustees deems it for the best interests of the retirement system, it may employ attorneys and auditors and pay reasonable fees for the services rendered.]

Section 12. Section 161.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of trustees shall elect from its membership a chairman and a vice chairman on an annual basis as prescribed

by the rules and regulations of the board of trustees. It shall appoint or contract for the services of an executive secretary and fix his compensation without limitation of the provisions of KRS Ch. 18 and KRS 64.640, subject to the approval of the Commissioner of Personnel. The executive secretary, at the time of his appointment or selection, shall be a person at least thirty-five years of age, a graduate of a standard four year college with at least ten years' membership in the Teachers' Retirement System. He shall not have held by appointment or election an elective office within the five-year period next preceding the date of appointment or selection.

(2) The board shall engage such actuarial, [legal,] medical and other technical services and such clerical and other services as are required to transact the business of the retirement system. The compensation of all persons engaged by the board shall be paid at such rates and in such amounts as the board approves, subject to the approval of the Commissioner of Personnel. All other expenses for the operation of the retirement system shall be in such amounts as the board approves.

Section 13. Section 175.450 of the Kentucky Revised Statutes is amended to read as follows:

The authority is hereby authorized and empowered:

(1) To construct, reconstruct, maintain, repair, operate, and regulate turnpike projects at such locations within the Commonwealth as may be determined by the authority and the department and provided for in an agreement or agreements;

(2) To acquire sites abutting on any turnpike project, as a part of such project, and to construct or contract for the construction of buildings and appurtenances for service stations, garages, restaurants and other services and to lease the same to parties other than the department for any of such purposes (or, if leases to such parties cannot be made on acceptable terms, to operate or to lease to the department any or all of the same) in such manner and under such terms as may be provided in an agreement;

(3) To issue turnpike revenue bonds of the authority payable solely from the tolls, revenues, rentals and other funds

pledged for their payment, for the purpose of paying all or any part of the cost of any one or more turnpike projects, and to refund any of its bonds;

(4) To fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it, except to the extent that such powers are surrendered to the department pursuant to a lease;

(5) To combine for financing purposes any two or more turnpike projects;

(6) To lease as lessor any turnpike project or projects to the department as lessee, pursuant to the terms and provisions of a lease;

(7) To establish and enforce rules and regulations for the use of any turnpike project, except during any period when such powers are provided to be exercised by the department pursuant to a lease;

(8) Without reference to Chapter 56 of the Kentucky Revised Statutes, to acquire and hold in the name of the authority real and personal property in the exercise of its powers and the performance of its functions and duties under this chapter, and to dispose of the same, with the approval of the department;

(9) To designate the locations and establish, limit and control such points of ingress to and egress from each turnpike project as the authority and the department may determine to be necessary or desirable to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(10) To make and enter into such contracts and agreements with the department and other parties as may be necessary or incidental to the performance of its duties and the execution of its powers under this chapter;

(11) To employ consulting engineers, [attorneys,] accountants, construction and financial experts, superintendents, managers, and such other employes and agents as may be necessary in the judgment of the authority, and to fix their compensation;

(12) To receive and accept from the Commonwealth, the department, and any federal agency, grants for or in aid of the construction of any turnpike project and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(13) To expend any funds provided under the authority of this chapter in advertising the facilities and services of a turnpike project or projects to the traveling public; and

(14) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Section 14. Section 177.410 of the Kentucky Revised Statutes is amended to read as follows:

The department is hereby authorized and empowered:

(1) To construct, reconstruct, maintain, repair, operate, regulate and police turnpike projects at such locations within the Commonwealth as may be determined by the department and approved by the Governor;

(2) To acquire sites abutting on any turnpike project, and to construct or contract for the construction of buildings and appurtenances for service stations, garages, restaurants and other services and to lease the same to others for any of such purposes (or, if leases cannot be made on acceptable terms, to operate any and all of the same) in such manner and under such terms as the department may determine;

(3) To issue turnpike revenue bonds of the Commonwealth, payable solely from the tolls, revenues and other funds pledged for their payment, for the purpose of paying all or any part of the cost of any one or more turnpike projects, and to refund any of its bonds, all as provided in KRS 177.390 to 177.570;

(4) To fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it;

(5) To combine for financing purposes any two or more turnpike projects;

(6) To establish rules and regulations for the use of any turnpike project;

(7) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under KRS 177.390 to 177.570, without reference to Chapter 56 of the Kentucky Revised Statutes;

(8) To designate the locations and establish, limit and control such points of ingress and egress from each turnpike project as the department may determine to be necessary or desirable in the judgment of the department to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(9) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under KRS 177.390 to 177.570;

(10) To employ consulting engineers, [attorneys,] accountants, construction and financial experts, superintendents, managers, and such other employes and agents as may be necessary in its judgment, and to fix their compensation;

(11) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(12) To expend any funds provided under the authority of KRS 177.390 to 177.570 in advertising the facilities and services of a turnpike project or projects to the traveling public; and

(13) To do all acts and things necessary or convenient to carry out the powers expressly granted in KRS 177.390 to 177.570.

Section 15. Section 15.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Attorney General shall appoint such *Deputy At-*

torneys General [a Deputy Attorney General], who shall qualify as required by law, to serve at the pleasure of the Attorney General, and such assistants and special attorneys as he deems necessary to transact the business of the Department of Law, and perform such duties as he may designate. The deputy *attorneys* [attorney] general, assistants, and special attorneys shall have full power, as authorized *by* and under the direction of the Attorney General, to perform such duties as may be performed by the Attorney General. The Attorney General shall be responsible for the official acts of his *deputies* [deputy], assistants, and special attorneys.

(2) In addition to the appointment and designation of assistants and special attorneys pursuant to subsection (1) of this section, the Attorney General may enter into such contracts for legal services as he deems necessary and advisable.

(3) Each assistant or special attorney so appointed or designated shall be a person admitted to the practice of law by the Court of Appeals of this Commonwealth and shall qualify by taking the oath of office.

Section 16. A new section of the KRS is created to read as follows:

The Department of Law is authorized to undertake, coordinate and direct the continued improvement of the administration of criminal justice in the Commonwealth at all levels, and in furtherance hereof may:

(1) Coordinate the activities of all state and local government organizations and personnel;

(2) Encourage and coordinate participation by private citizens and organizations;

(3) Engage in research, planning, education, demonstration, and action programs, including seminars and conferences;

(4) Publicize programs and activities under this section;

(5) Enter into contracts and employ personnel;

(6) Receive and accept appropriations, grants and gifts

from any source, public or private, including the Federal Government or any agency thereof;

(7) Expend available funds to carry out the purposes of this section;

(8) Perform any other function consistent with the purposes of this section and as otherwise provided by law.

(9) The Department of law in discharging the responsibilities provided for under this act shall perform a coordinating function, and shall not supersede the constitutional or statutory authority of any other state agency, department, commissions and boards, the political subdivisions thereof, including their officers and employes.

Section 17. A new section of the KRS is created to read as follows:

The effective date of this legislation shall be July 1, 1968. In order that the Department of Law will have available funds with which to administer its Department and to provide the necessary legal services contemplated by this act, it is hereby ordered that funds heretofore appropriated in the Executive Budget to the various departments and agencies of state government for the purpose of compensating attorneys and their secretaries employed by each such department together with all monies appropriated for capital expenditures and operating expenses for such positions, shall be transferred by the Commissioner of Finance into the Budget of the Department of Law and made available to the Department of Law as if an appropriation had been made to the Department of Law for these positions and services in the 1968-70 Executive Budget. All sums of money appropriated for the providing of legal services and staffing the office of an attorney or attorneys in any department shall be deducted from the appropriation of such department or agency and added to the appropriation of the Department of Law. Such appropriations added to the Department of Law shall be in an amount of not less than $1,500,000 in the 1968-69 fiscal year and $1,500,000 in the 1969-70 fiscal year, provided however that such funds shall not be transferred from the budgets of the Office of the Governor, the Office of the Lieutenant Governor, the

Legislative Research Commission and the Court of Appeals which officer and agency shall be exempted from the provisions hereof; it being further provided that, on agreement of the Governor and the Attorney General, duly entered of record in the Executive Journal, Departmental counsel may be retained under extraordinary circumstances.

Section 18. Section 12.200, 12.210, 12.220, 12.230, 15.105, 15.145, 195.070, 341.570, and 203.110 of the Kentucky Revised Statutes are hereby repealed.

SB 247, AN ACT relating to railroads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

Any railroad company that violates any of the provisions of KRS 277.200 shall be fined not less than $500 nor more than $1500 for each offense. Each obstructing train shall constitute a separate offense.

SB 264, AN ACT relating to civil rights.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 344 of the Kentucky Revised Statutes is created to read as follows:

For the purpose of this Act:

(1) "real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(2) "real estate transaction" includes the sale, exchange, rental or lease of real property.

(3) "housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or oc-

cupied, as the home, homesite residence, or sleeping place of one or more individuals.

(4) "real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

(5) "financial institution" means bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance or improvement of real property, or an individual employed by or acting on behalf of any of these.

(6) "owner" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

(7) "housing unit" means a single room, suite of rooms or apartment, containing cooking and kitchen facilities, occupied, or intended for occupancy as living quarters, by a person, by a family or by a group of persons living together.

(8) "rooming unit" means any room or group of rooms forming a single, habitable unit used for living or sleeping, but which does not contain cooking and kitchen facilities.

Section 2. Section 344.010 of the Kentucky Revised Statutes is amended to read as follows:

In this Act and KRS Chapter 344:

(1) "Person" includes *any* one or more individuals, *financial institutions,* labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated

organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity, *or any combination thereof;* the state, any of its political or civil subdivisions or agencies. *The term "person," when applied to any of the foregoing, includes members, partners, representatives, shareholders, officers, and directors.*

(2) "Commission" means the Kentucky Commission on Human Rights.

(3) "Commissioner" means a member of the commission.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, or national origin, or the aiding, abetting, inciting, coercing or compelling thereof.

Section 3. A new section of Chapter 344 of the Kentucky Revised Statutes is created to read as follows:

It is an unlawful practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of race, color, religion, or national origin:

(1) to refuse to engage in a real estate transaction with a person;

(2) to discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(3) to refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(4) to refuse to negotiate for a real estate transaction with a person;

(5) to represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

(6) to print, circulate, post or mail or cause to be so

published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto; or

(7) to offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

Section 4. A new section of Chapter 344 of the Kentucky Revised Statutes is created to read as follows:

The provisions of Section 3 do not apply:

(1) to the rental or lease of any housing unit in real property which contains housing accommodations for not more than two housing units if the owner or a member of his family resides in one of the housing units; or

(2) to the rental or lease of any rooming unit in a housing unit if the owner or a member of his family resides therein.

Section 5. A new section of Chapter 344 of the Kentucky Revised Statutes is created to read as follows:

It is an unlawful practice for a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of such a person.

(1) to discriminate against the applicant because of race, color, religion, or national origin, or

(2) to use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination as to race, color, religion, or national origin.

Section 6. A new section of Chapter 344 of the Kentucky Revised Statutes is created to read as follows:

(1) Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy or lease thereof to individuals of a specified race, color, religion, or national origin is void.

(2) Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, color, religion, or national origin, is void, except a limitation, on the basis of religion, on rental of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

(3) It is an unlawful practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

Section 7. A new section of Chapter 344 of the Kentucky Revised Statutes is created to read as follows:

It is an unlawful practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially

(1) to represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

(2) to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located, or

(3) to engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, exchange, rental or

lease, or the listing for any of the above, of any housing accommodation.

Section 8. A new section of Chapter 344 of the Kentucky Revised Statutes is created to read as follows:

It is not an unlawful practice for a religious institution or religious organization or a charitable or educational organization operated, supervised or controlled by a religious institution or religious organization to give preference to members of the same religion in the rental of real property.

Section 9. Section 344.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the commission determines that the respondent has not engaged in an unlawful practice, the commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint.

A copy of the order shall be delivered to the complainant, the respondent, the Attorney General, and such other public officers and persons as the commission deems proper.

(2) If the commission determines that the respondent has engaged in an unlawful practice, the commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, the Attorney General, and to such other public officers and persons as the commission deems proper.

(3) Affirmative action ordered under this section may include but is not limited to:

(a) Hiring, reinstatement or upgrading of employes with or without back pay. Interim earnings or amounts earnable with reasonable diligency by the person or persons discriminated against shall operated to reduce the back pay otherwise allowable.

(b) Admission or restoration of individuals to union membership, admission to or participation in a guidance program,

or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs.

(c) Admission of individuals to a place of public accommodation, resort, or amusement.

(d) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent.

(e) The sale, exchange, lease, rental, assignment or sublease of real property or any interest therein, which is the subject of a complaint of unlawful practice, to a person.

(f) The cancellation, recission or revocation of a contract, deed, lease or other instrument conveying real property or any interest therein which is the subject of a complaint of unlawful practice, to a person who has actual knowledge or record notice, prior to the transfer or the execution of a legally binding obligation to transfer, that a determination of probable cause has been made with respect to the complaint of unlawful practice.

(g) [(e)] Reporting as to the manner of compliance.

(h) [(f)] Posting notices in conspicuous places in the respondent's place of business in form prescribed by the commission.

(4) The commission may publish or cause to be published the names of persons who have been determined to have engaged in an unlawful practice.

Section 10. Section 344.300 of the Kentucky Revised Statutes is amended to read as follows:

Cities and counties *may* [are authorized to] adopt and enforce ordinances, orders and resolutions prohibiting and discrimination on the basis of race, color, religion, or national origin, and to prescribe penalties for violations thereof, such penalties being in addition to the remedial orders and enforcement herein authorized.

Committee Substitute to **SB 264** is as follows:

Committee Substitute SB 264, AN ACT relating to civil rights. This Act shall be known as the Georgia M. Davis, Mae Street Kidd, Hughes E. McGill Civil Rights Act of 1968.

WHEREAS, it is the public policy of the United States and the Commonwealth of Kentucky, to encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, or national origin; and

WHEREAS, discrimination against individuals because of race, color, religion, or national origin represents an affront to the dignity of the individuals against whom it is directed, intensifies group conflicts, and is detrimental to the public health, safety, and welfare; and

WHEREAS, discrimination in housing may result in other forms of discrimination and segregation, including racial segregation in the public schools and other public facilities, which are prohibited by the Constitution of the United States of America, and are against the laws and policy of the Commonwealth of Kentucky; and

WHEREAS, discrimination in housing may adversely affect the continued redevelopment, renewal, growth and progress of the Commonwealth of Kentucky, and of its citizens; and

WHEREAS, the facilities of a real estate operator, real estate broker and of a financial institution, as defined in this Act are hereby declared to be a place of public accommodation within the meaning of KRS 344.130; and

WHEREAS, the most serious problem of discrimination in housing results from discrimination in commercial real estate transactions;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 344.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Person" includes one or more individuals, labor unions, joint apprenticeship committees, partnerships, associa-

tions, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.

(2) "Commission" means the Kentucky Commission on Human Rights.

(3) "Commissioner" means a member of the commission.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, or national origin, or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real Property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodation" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the county or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or

who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance, upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(9) "Financial institution" means bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

Section 2. Section 344.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The general purposes of this chapter are:

(a) To provide for execution within the state of the policies embodied in the Federal Civil Rights Act of 1964 (78 Stat. 241);

(b) To safeguard all individuals within the state from discrimination because of race, color, religion, and national origin in connection with employment [and], public accommodations *and real estate transactions;* thereby to protect their interest in personal dignity and freedom from humiliation in places of public accommodation *and in real estate transactions,* to make available to the state their full productive capacities in employment, to secure the state against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health and general welfare, and to further the interests, rights and privileges of individuals within the state.

(c) To establish as the policy of the Commonwealth the

safeguarding of the rights of an individual selling or leasing his own property without the aid of any person or corporation on a fee or commission.

(2) This chapter shall be construed to further the general purposes stated in this section and the special purposes of the particular provision involved.

(3) Nothing in this chapter shall be construed as indicating an intent to exclude local laws on the same subject matter not inconsistent with this chapter.

(4) Nothing contained in this chapter shall be deemed to repeal any other law of this state relating to discrimination because of race, color, religion, and national origin.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

It is an unlawful practice for a real estate operator, or for a real estate broker, real estate salesman, or an individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his race, color, religion, or national origin;

(2) To discriminate against an individual because of his race, color, religion, or national origin in the terms, conditions, or privileges of the sale, exchange, rental or lease of real property or in the furnishing of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his race, color, religion, or national origin;

(4) To refuse to negotiate for the sale, rental or lease of real property to an individual because of his race, color, religion, or national origin;

(5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his race, color, religion or national origin;

(6) To print, circulate, post or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion or national origin or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental or lease with the understanding that an individual may be discriminated against in the sale, rental or lease of that real property or in the furnishing of facilities or services in connection therewith because of his race, color, religion, national origin; or

(8) To otherwise deny to or withhold real property from an individual because of his race, color, religion, or national origin.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

It is an unlawful practice for a real estate operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

Section 5. A new section of the Kentucky Revised Statutes is amended to read as follows:

It is an unlawful practice for a financial institution or an

individual employed by or acting on behalf of a financial institution:

(1) To discriminate against an individual because of the race, color, religion, or national origin of the individual or the present or prospective owner, tenant or occupant of the real property or of a member, stockholder, director, officer, employee, or representative of any of these, in the granting, withholding, extending, modifying or renewing, the rates, terms, conditions, privileges or other provisions of financial assistance or in the extension of services in connection therewith; or

(2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicate directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, or national origin or an intent to make such a limitation, specification, or discrimination.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Nothing in this act shall apply:

(a) To the rental of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or a member of his family resides in one of the housing accommodations;

(b) To the rental of a portion of a housing accommodation by the occupant of the housing accommodation, or by the owner of the housing accommodation if he or a member of his family resides therein;

(c) To a religious institution, or to an organization operated for charitable or educational purposes, which is operated, supervised or controlled by a religious corporation, association or society, to the extent that the religious corporation, association, or society, limits, or gives preferences in, the sale, lease, rental assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, or sublessees, that is calculated by such religious cor-

poration, association, or society to promote the religious principles for which it is established or maintained;

(d) To the direct rental of six or less housing accommodations by the private individual owner himself without assistance of any kind rendered by a real estate operator, broker or salesman as defined herein.

(2) Nothing in this Act shall be construed to affect the legal rights of a private individual homeowner to dispose of his property any way he sees fit.

(3) Nothing in this Act shall require a real estate operator to negotiate with any individual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

It shall be no defense to a violation of this Act by a real estate operator, real estate broker, real estate salesman, financial institution, or other person subject to the provisions of this Act that the violation was requested, sought or otherwise procured by a person not subject to the provisions of this Act.

Section 8. Section 344.190 is re-enacted to read as follows:

In the enforcement of this chapter the Commission on Human Rights shall have the following powers and duties:

(1) To maintain an office in the City of Frankfort and such other offices within the state as may be deemed necessary.

(2) To meet and exercise its powers at any place within the Commonwealth.

(3) Within the limitations provided by law, to appoint an Executive Director, attorneys, hearing examiners, clerks and other employes and agents as it may deem necessary. At the direction of the commission, attorneys appointed under this section may appear for and represent the commission in any court.

(4) To promote the creation of local commissions on

human rights, to cooperate with state, local and other agencies, both public and private, and individuals, and to obtain upon request and utilize the services of all governmental departments and agencies.

(5) To cooperate with the United States Equal Employment Opportunity Commission created by Section 705 of the Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of this chapter.

(6) To accept gifts or bequests, grants, or other payments, public or private, to help finance its activities.

(7) To accept reimbursement pursuant to Section 709(b) of the Civil Rights Act of 1964 (78 Stat. 241) for services rendered to assist the Federal Equal Employment Opportunity Commission.

(8) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this chapter.

(9) At any time after a complaint is filed, to require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person or by deposition, and require the production of documents relevant to the complaint. The commission may make rules authorizing any member or individual designated to exercise these powers in the performance of official dutes.

(10) To furnish technical assistance requested by persons subject to this chapter to further their compliance with this chapter or an order issued thereunder.

(11) To make studies appropriate to effectuate the purposes and policies of this chapter and to make the results thereof available to the public.

(12) To render annual written reports to the Governor and the legislature. The reports may contain recommendations of the

commission for legislative or other action to effectuate the purposes and policies of this chapter.

(13) To create local or state-wide advisory agencies that in its judgment will aid in effectuating the purpose of this chapter. The commission may empower these agencies (a) to study and report on problems of discrimination because of race, color, religion, or national origin, (b) to foster through community effort or otherwise goodwill among the groups and elements of the population of the state, and (c) to make recommendations to the commission for the development of policies and practices that will aid in carrying out the purposes of this chapter. Members of such committees shall serve without pay but shall be reimbursed for expenses incurred in such service. The commission may make provision for technical and clerical assistance to the committees.

(14) To adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and provisions of this chapter, including regulations requiring the posting of notices prepared or approved by the commission.

Section 9. Section 344.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) An individual claiming to be aggrieved by an unlawful practice, a member of the commission, or the Attorney General may file with the commission a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission to identify the persons charged (hereinafter the respondent). The commission staff or a person designated pursuant to its rules shall promptly investigate the allegations of unlawful practice set forth in the complaint and shall within five days furnish the respondent with a copy of the complaint. The complaint must be filed within 180 days after the alleged unlawful practice occurs, except that a complaint alleging discrimination in *real estate transaction must be filed within thirty days, and a complaint alleging discrimination in* employment (under KRS 344.030 to 344.110) must be filed within ninety days.

(2) The commission shall determine within thirty days

after the complaint has been filed whether there is probable cause to believe the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the complainant, the respondent, the Attorney General and such other public officers and persons as the commission deems proper.

(3) The complainant, within ten days after receiving a copy of the order dismissing the complaint, may file with the commission an application for reconsideration of the order. Upon such application, the commission or an individual designated pursuant to its rules shall make a new determination within ten days whether there is probable cause to believe that the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint and furnishing a copy of the order to the complainant, the respondent, the Attorney General, and such other public officers and persons as the commission deems proper.

(4) If the staff determines, after investigation, or if the commission determines after the review provided for in subsection (3) that there is probable cause to believe that the respondent has engaged in an unlawful practice, the commission staff shall endeavor to eliminate the alleged unlawful practice by conference, conciliation and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the commission or its staff and the respondent. If a conciliation agreement is entered into, the commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent, the Attorney General, and such other public officers and persons as the commission deems proper. Except for the terms of the conciliation agreement, neither the commission nor any officer or employe thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts

in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion whether or not there is a determination of probable cause or a conciliation agreement.

(5) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the commission staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the commission shall take such action as it deems appropriate to assure compliance.

(6) At any time after a complaint is filed, the commission may file an action in the circuit court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or has his principal place of business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under KRS 344.160, 344.190 to 344.210, and 344.230 to 344.260, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commission may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper.

Section 10. Section 344.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) A complainant, respondent, or intervenor aggrieved by an order of the commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review, and the commission may obtain an order of the court for enforcement of its order, in a proceeding brought in the circuit court in a county in which the alleged unlawful practice which is the subject of the order or complaint occurs or in which a respondent resides or has his principal place of business.

(2) The proceeding for review or enforcement is initiated by filing a complaint in the court. Copies of the complaint shall be served upon all parties of record. Within thirty days after the service of the complaint upon the commission or its filing by the

commission, or within such further time as the court may allow, the commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. The findings of fact of the commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the commission, or remanding the case to the commission for further proceedings. All such proceedings shall be heard and determined by the circuit court and Court of Appeals as expeditiously as possible and with lawful precedence over other matters.

(3) If the commission has failed to schedule a hearing in accordance with KRS 344.210 (1) or has failed to issue an order within 180 days after the complaint is filed, the complainant, respondent, Attorney General, or an intervenor may petition the circuit court in a county in which the alleged unlawful practice set forth in the complaint occurs or in which the petitioner resides or has his principal place of business for an order directing the commission to take such action. The court shall follow the procedure set forth in subsection (2) so far as applicable.

(4) The court shall not consider any matter not considered by, nor any objection not raised before, the commission, unless the failure of a party to present such matter to or raise such objection before the commission is excused because of good cause shown. A party may move the court to remand the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows good cause for the failure to adduce such evidence before the commission.

(5) The jurisdiction of the circuit court shall be exclusive and its final judgment or decree shall be subject to review by the Court of Appeals as provided by the Rules of Civil Procedures. The commission's copy of the testimony shall be available to all parties for examination without cost during business hours at the commission's office in Frankfort.

(6) A proceeding under this section must be initiated within thirty days after a copy of the order of the commission is received, unless the commission is the petitioner or the petition is filed under subsection (3). If no proceeding is so initiated, the commission may obtain a decree of the court for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

Where a real estate broker or a real estate salesman has failed to comply with any order issued by the Commission or has been found to have committed an unfair housing practice in violation of Section 4 of this Act, the Commission shall notify in writing the Real Estate Commission of the Commonwealth of Kentucky of said failure to comply or violation.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

Cities and counties may adopt and enforce ordinances, orders and resolutions prohibiting discrimination; no ordinance, order or resolution shall attempt to exempt more transactions from its coverage than are exempted by this Act.

Calendar

SR 53, SB 138, SR 17, SB 80, SB 62, HB 616, SB 288, SB 140, SB 171, SB 260, SB 275, SB 279, SB 160, HB 514, SB 326, SB 341, HB 457, HB 458, HB 500, HB 596, HB 610, SR 51, SB 115, SB 271, SB 290, SB 269, SB 392, SB 37, SB 143, SB 146, SB 280, SB 384, SR 61, SB 367, SB 286, SB 283, SB 301, SB 312, SB 261, SB 156, SB 381, SB 105, SB 347, SB 116, SB 248, SB 343, SB 345, SB 99 taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Senate Message

Announcing veto of Governor of **SB 126.**

Motions, Petitions, and Communications

Representative W. J. Reynolds moved that the House recess for fifteen minutes for Majority Party Caucus. Agreed.

Recess

Ate the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 214** had been examined and found correctly enrolled. **SB 214** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative Morgan moved that the "Motion Hour" be passed at the present time. Agreed.

Orders of the Day

HB 264 (continued)

On the roll call the vote was yeas 44—Bamberger, Blandford, Blume, Bowles, Brown, Bruce, Carroll, Coffey, Cox, Curlin, James A. Davis, DeMarcus, Halleck, Hopkins, Hunt, Irick, Isler, Jones, Justice, Keene, Kidd, King, Lankford, Lassiter, Lawson, May, McBrayer, McCallum, McKinney, Melton, Mershon, Clarence R. Miller, Morgan, Murphy, Ray, W. J. Reynolds, Richey, Riddle, Siemens, Tobin, Vanover, Walters, Webster, Wheeler. Nays 17—Baker, Blythe, Denham, Hampton, Hardin, Harper, Hoe, Hoffman, Huff, Kessinger, Maddox, Peace, Russell, Sartin, Stuart, Wesley, White.

HB 264 as amended was passed and the title agreed to.

Representative Blume moved that the vote by which **HB 264** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 497 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Alexander, Allen, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Bruce, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Maddox, Massey, May, McBrayer, McCallum, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wheeler, White, Wolchik, Wooley, Wright. Nays 1—Walters.

HB 497 was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 497** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Brown moved that **HB 498** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Harper moved that consideration of **HB 498** be deferred until an amendment is drawn. Agreed.

Senate Message

Announcing passage of **HB 334, SB 266, SB 43** and **HR 91.**

Report on Enrolled Bills

The Committee on Enrollment reported **HB 49, HB 210** and **HB 358** had been examined and found correctly enrolled. **HB 49, HB 210,** and **HB 358** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (Cont.)

HB 562 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76—Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Blume, Blythe, Brown, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 1—Sartin.

HB 562 was passed and the title agreed to.

Representative Hinkle moved that the vote by which **HB 562** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 559 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, May, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

HB 559 was passed and the title agreed to.

HB 501 taken from Orders of the Day and ordered read at

length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 43—Arnett, Baker, Bamberger, Blandford, Bleemel, Blythe, Bowles, Bruce, Clark, Cox, Curlin, Hampton, Hardin, Hinkle, Hunt, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Louden, Massey, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Schmidt, Simmons, Tobin, White. Nays 11—Alexander, Ball, Halleck, Huff, Pettit, Prather, Rickert, Riddle, Sartin, Wheeler, Wooley.

HB 501 was passed and the title agreed to.

HB 588 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 53—Baker, Ballenger, Bamberger, Blandford, Blume, Bowles, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, Dawhare, DeMarcus, Floyd, Greer, Hardin, Hoffman, Hunt, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, May, McGill, McKinney, Mershon, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Tobin, Webster, White, Nays 14—Alexander, Arnett, Ball, Blythe, J. A. Davis, Denham, Halleck, Henry, Huff, Massey, Richey, Riddle, Stuart, Vanover, Wheeler, Wooley.

HB 588 was passed and the title agreed to.

Representative Johnson moved that the vote by which **HB 588** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Morgan moved that the House recess for fifteen minutes for Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (Cont.)

Representative Morgan moved that **HB 1** be taken from Orders of the Day and placed upon its passage. Rejected.

Representative Morgan moved that consideration of **HB 395** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Morgan moved that **HB 488** be taken from Orders of the Day and placed upon its passage. Rejected.

Representative Morgan moved that **HB 602** be taken from Orders of the Day and placed upon its passage. Rejected.

HB 125, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hinkle moved the adoption of the Committee Substitute to **HB 125.** Agreed.

Representative Wright moved the adoption of Amendment No. 1 to **HB 125.**

Representative Bruce moved that **HB 125** be laid on the Clerk's Desk.

On the roll call the vote was yeas 15—Bowles, Bruce, Clapp, Floyd, Hampton, Henry, King, Maddox, Clarence R. Miller, Peace, W. J. Reynolds, Rickert, Smith, Webster, Wooley. Nays 47—Allen, Arnett, Baker, Ballenger, Blythe, Brown, Coffey, Cox, Cruse, Curlin, J. A. Davis, W. F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hardin, Hinkle, Hoe, Hoffman, Hunt, Irick, Isler, James, Johnson, Justice, Keene, Keith, Kessinger, Lankford, Lawson, Massey, McBrayer, R. L. Miller, Mitchell, Rattliff, Riddle, Russell, Sartin, Stuart, Tobin, Vanover, Wesley, Wheeler, White, Wright.

The motion that **HB 125** be laid on the Clerk's Desk was rejected.

Representative DeMarcus moved that the House adjourn until 11:00 a.m., Thursday, March 14, 1968.

On the roll call the vote was yeas 6—Bowles, Bruce, DeMarcus, Henry, Louden, W. J. Reynolds. Nays 55—Allen, Arnett, Baker, Ballenger, Blume, Blythe, Coffey, Cox, Curlin, J. A. Davis, W. F. Davis, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Hinkle, Hoe, Hoffman, Hopkins, Isler, Johnson, Justice, Keene, Keith, Kessinger, King, Lankford, Lawson, Massey, May, McBrayer, McNamara, Mershon, C. R. Miller, R. L. Miller, Mitchell, Pettit, Prather, Rattliff, Ray, Rickert, Riddle, Sartin, Schmidt, Simmons, Stuart, Vanover, Walters, Webster, Wesley, Wheeler, White, Wright.

The motion to adjourn was rejected.

On the roll call the vote was yeas 34—Baker, Blume, Brown, Bruce, Cruse, James A. Davis, Walter F. Davis, Dawhare, Hampton, Hardin, Harper, Henry, Hunt, Isler, James, Johnson, Justice, Keith, Louden, Maddox, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Rattliff, Ray, Russell Reynolds, Riddle, Tobin, Vanover, Wesley, White, Wright. Nays 22—Ball, Bamberger, Blythe, Bowles, Clark, Curlin, Denham, Hinkle, Hoffman, Keene, Kessinger, King, Lankford, Lawson, McNamara, C. R. Miller, Prather, W. J. Reynolds, Rickert, Stuart, Webster, Wooley.

Amendment No. 1 to **HB 125** was adopted.

On the roll call the vote was yeas 57—Arnett, Baker, Ballenger, Bamberger, Bleemel, Blume, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hardin, Harper, Hinkle, Hoffman, Hunt, Irick, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Rattliff, Russell Reynolds, Richey, Riddle, Russell, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Wesley, Wheeler, White, Wright. Nays 7—Bowles, Clark, Henry, Isler, Prather, W. J. Reynolds, Rickert.

HB 125 as amended was passed and the title agreed to.

Representative Morgan moved that **HB 364** be taken from Orders of the Day and placed upon its passage.

On the roll call the vote was yeas 35—Allen, Blythe, Bowles, Brown, Coffey, Cox, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Hoe, Hoffman, Hunt, Irick, Isler, Johnson, Jones, Keith, Kessinger, May, Melton, Clarence R. Miller, Robert L. Miller, Peace, Ray, Richey, Sartin, Schmidt, Simmons, Smith, Stuart, Tobin, Webster, White. Nays 11—Baker, Ballenger, Blume, Greer, Harper, McBrayer, Mershon, Pettit, Rickert, Russell, Wooley.

The motion that **HB 364** be taken from Orders of the Day and placed upon its passage was adopted.

HB 364 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56—Allen, Arnett, Ballenger, Bleemel, Blume, Blythe, Brown, Clark, Coffey, Cruse, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Hardin, Hinkle, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Peace, Ray, Russell Reynolds, W. J. Reynolds, Richey, Saylor, Siemens, Smith, Tobin, Vanover, Walters, Webster, Wells, White, Wolchik, Wright. Nays 10—Baker, Cox, Curlin, Greer, Keene, King, Pettit, Rickert, Russell, Wooley.

HB 364 was passed and the title agreed to.

Representative Russell moved that **HR 62** be taken from Orders of the Day and placed upon its passage.

On the roll call the vote was yeas 28—Alexander, Blythe, Brown, Clapp, Curlin, DeMarcus, Floyd, Greer, Hunt, Isler, Johnson, Jones, Keene, Keith, Louden, Maddox, McKinney, Robert L. Miller, Morgan, Russell Reynolds, Richey, Riddle, Russell, Smith, Vanover, Wells, White, Wright—Nays 45—Allen, Arnett, Baker, Ball, Ballenger, Bleemel, Blume, Bruce, Cox, W. F. Davis, Dawhare, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Hopkins, Irick, Kessinger, Kidd, King, Lankford, Lassiter, May, McCallum, McNamara, Mershon, Mitchell, Pettit, Prather, Ratt-

liff, W. J. Reynolds, Rickert, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Walters, Webster, Wesley, Wooley.

The motion that **HR 62** be taken from Orders of the Day and placed upon its passage was rejected.

The Speaker announced that Reference of Bills and Resolutions and Report of Committees would be made before the adjournment vote is announced.

Representative Cox moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions

HR 109, by Representative Brown: A RESOLUTION honoring the memory of Private First Class George Sweatt.

WHEREAS, on March 7, 1968, Private First Class George Sweatt was killed in action while serving as a United States Marine in Vietnam; and

WHEREAS, Private First Class George Sweatt was a citizen of the Commonwealth of Kentucky and a resident of Bowling Green, Kentucky; and

WHEREAS, the members of the General Assembly of the Commonwealth of Kentucky desire to express their deep sincere sympathy to the family of Private First Class Sweatt and to honor him for making the highest sacrifice in his gallant defense of his country;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives adjourns on Wednesday, March 13, 1968, it stand adjourned in memory of Private First Class George Sweatt.

Representative Brown moved the adoption of **HR 109.** Agreed.

HR 110, by Representative Simmons: A RESOLUTION

adjourning the House of Representatives on Wednesday, March 13, 1968, in memory of J. E. Hadden.

WHEREAS, the Honorable J. E. Hadden, County Judge of Simpson County, has departed this earthly life, having bequeathed to all his fellows an estate of kindness, generosity and unselfishness; and

WHEREAS, this most dedicated public servant will be long remembered for his service as Mayor of the City of Franklin, member of this House of Representatives in 1922 and 1924, and County Judge; and

WHEREAS, the House of Representatives deems it appropriate to express its sorrow at the passing of a former colleague and friend;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives adjourns on Wednesday, March 13, 1968, it does so in memory of J. E. Hadden.

Section 2. That the Clerk be directed to transmit a copy of this resolution to Mrs. J. E. Hadden.

Representative Simmons moved the adoption of **HR 110.** Agreed.

HR 111, by Representative Cox: A RESOLUTION commending the Dawson Springs High School Band.

WHEREAS, the Dawson Springs High School Band has been bestowed the signal honor of representing Kentucky in the annual Cherry Blossom Festival in Washington, D. C.; and

WHEREAS, this outstanding group of young musicians has for four consecutive years earned superior ratings at every band competition available for its participation; and

WHEREAS, this House of Representatives take great pride in the honors brought to Kentucky by so fine and dedicated an organization;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Dawson Surings High School Band be and it hereby is commended for its selection as Kentucky's representative in the annual Cherry Blossom Festival in Washington,

Section 2. That the Clerk be directed to transmit a copy of this resolution to the editor of the Dawson Springs *Progress,* and to Mr. Paul N. Davis.

Representative Cox moved the adoption of **HR 111.** Agreed.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Cities: **SB 43.**

Judiciary: **SB 266.**

Senate Message

Announcing passage of **SB 320.**

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Labor and Industry reported **SB 29** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 29, AN ACT relating to police officers in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Police officer", as used in this Act, includes all

regular salaried members of the police force with the exception of the chief of police.

Section 2. In all cities of the first class police officers shall not be required to work more than forty hours in any one calendar week nor more than eight hours in any twenty-four hour period unless an emergency or the public interest requires otherwise.

Section 3. A police officer shall be paid time and a half for those hours he works beyond forty hours in any one calendar week and for all hours he works beyond eight hours in any twenty-four hour period.

The Committee on Cities reported **SB 43, SB 329** and **SB 373** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 43, AN ACT relating to firefighters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Firefighters in cities of all classes shall receive one and one-half times the normal hourly wage for any and all hours worked in excess of the normal tour of duty as provided by statute or local ordinance.

SB 329, AN ACT relating to police and fire departments in second and third class cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 95.430 is amended to read as follows:

(1) In cities of the second and third classes the city legislative body shall control the police and fire departments and the property and equipment of the departments.

(2) The city legislative body may ordain and enforce rules for the government of the departments as it may deem expedient, prescribe the qualifications and duties of the members of each department, and grade the officers of each department.

(3) The city legislative body may appoint a chief of police and all policemen, and a chief of the fire department and all subordinates. *All such appointments, whether initial appointments or subsequent promotions, shall be after an examination has been held to determine the appointee's qualifications for office.*

(4) The number of firemen, policemen, detectives and officers of the police and fire departments shall be such as the city legislative body may ordain.

(5) The city legislative body shall, by ordinance, fix the salaries of the members of the police and fire departments, provide for their payment, and for the payment of other expenses of the department.

Section 2. KRS 95.440 is amended to read as follows:

(1) The city legislative body in cities of the second and third classes shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for. *All such appointments, whether initial appointments or subsequent promotions, shall be after an examination has been held to determine the appointee's qualifications for office.*

(2) Each member of the police or fire department in cities of the second and third classes shall be a qualified voter in the county containing the city of employment, able to read, write and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a man of sobriety and integrity and is and has been an orderly, law-abiding citizen. In a city of the second class no person shall be appointed a member of either of such departments if he is over fifty years of age. *The legislative body of each city shall have the power to establish additional qualifications by ordinance, both initial appointments and promotional appointments.*

(3) Members of the police and fire departments in cities of the second and third classes qualified under this section shall

hold their positions during good behavior, except that the city legislative body may decrease the number of policemen or firemen as it may deem proper.

(4) If the city legislative body of a city of the second or third class decreases the number of policemen or firemen, the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.

SB 373, AN ACT relating to planning and zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.137 of the Kentucky Revised Statutes is amended to read as follows:

(1) Counties *containing a city of the first class* [with a population of 300,000 or more inhabitants] shall be a planning unit and shall have a planning commission which [commission] shall be composed of three members, who are nonresidents of the largest city of the county, appointed by the county judge of such county, three members who are residents of the largest city of the county appointed by the mayor of that city, and the mayor of the largest city, the county judge, the director of works of the largest city in the county and the county road engineer.

(2) *The term of office of the appointed members of the commission shall be four years, but the term of office of members first appointed shall be staggered at the discretion of the appointing authority and later appointments shall continue the staggered pattern.*

(3) [2] In counties containing a city of the first class, all legislation implementing or amending the plan or amended plan which affects cities of the first through fourth classes shall be enacted by such cities and all other legislation implementing the plan or amended plan shall be enacted by the fiscal court.

(4) Five members shall constitute a quorum for commissions created in counties containing a city of the first class. A simple majority vote of all members present where there is a

properly constituted quorum shall be necessary to transact any official business for such commissions, unless otherwise restricted by regulation or bylaw.

(5) [3] In all other counties the establishment of a planning unit is optional, but any planning unit established in other counties shall comply with the remaining provisions of this chapter.

The Committee on Health and Welfare reported **SB 342, SB 403, SB 404, SB 406, SB 412** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 342, AN ACT relating to welfare in counties containing cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act, unless the context otherwise requires:

(1) "Administration" means the Metropolitan Social Services Administration which is created by this Act;

(2) "Commission" means the Metropolitan Social Services Commission which is created by this Act.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

There shall be in each county containing a city of the first class a Metropolitan Social Serivces Administration. At the time such counties become subject to this Act, the Administration shall be formed by a consolidation of all public welfare and social service agencies in the city and county governments. The Administration shall act through a comprehensive and coordinated program of local public welfare and social services in cooperation with existing private and federal welfare and social service agencies operating within the city and county. The general purpose of the Administration is to promote the social well-

being and general welfare of the people of the city and county by providing financial assistance services, protective and dependency services and non-judicial delinquency and related child welfare services. The Administration shall be responsible for all welfare programs and social services which by law are administered by the city and county. These responsibilities shall include, but are not limited to, those assigned to the departments of public welfare in KRS 98.010 and 98.320, delinquency and family services provided in connection with juvenile court proceedings, selective social services for the other courts of the city and county, social services necessary to carry out the provisions of the Uniform Support of Dependents Act, and other services deemed appropriate by the fiscal court of the county and legislative body of the city or assigned by state authority. Social services shall be provided to the circuit court in the county on a fee schedule basis.

Costs involved in providing social services may be taxed by the clerk of the court as costs in judicial proceedings in such proportions as the judge deems proper. The clerk may retain five percent of all such fees both collected and paid to the Administration. All authority, functions, powers, duties, assets and liabilities of the organizations combined into the Administration shall be transferred to and vest in the said Administration.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

(1) The governing body of the Administration shall be the Metropolitan Social Services Commission. The Commission shall be composed of twelve members appointed jointly by the mayor of the city and the county judge. Each member shall be at least twenty-five years of age and a resident of the county. The members shall be appointed in equal proportions from the two political parties casting the highest number of votes at the last preceding general election in the county, except that persons registered as independent may be appointed in lieu of political affiliates so long as a general balance is maintained between the two major political parties. The members shall be selected in a manner that makes them representative of the county as a whole. Under the original appointments three mem-

bers of the Commission shall serve for one year, three for two years, three for three years, and three for four years each. Thereafter appointments shall be for terms of four years. No member shall be eligible for appointment to more than two full terms in succession.

(2) Vacancies in the Commission, whether occurring during the term or at the close of the term of a member, shall be filled in the same manner as original appointments, within thirty days after vacancy occurs. If the mayor and the county judge fail to make the appointment within thirty days, the members of the commission may make the appointment. Whenever any vacancy occurs, the Commission shall immediately certify the fact of the vacancy and the reason therefor to the county judge and the mayor.

(3) Upon appointment of the members, and annually thereafter, the Commission shall organize and elect officers, including a chairman, from its members, which chairman, shall thereafter vote only in case of a tie vote. All members of the Commission shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses.

An appointed member may be removed by the mayor or the county judge, as the case may be, for cause. The appointing officer shall file with the commission a written statement setting forth the reasons for such removal.

Section 4. A new section of the Kentucky Revised Statutes is created to read.

The Commission shall be the policy-determining body of the Administration and shall be responsible for the overall direction of the Administration. During the month of May of each year the Commission shall cause to be prepared a budget and a financial statement for the Administration. After approving the budget and financial statement the Commission shall certify to the fiscal court and the city legislative body at least two copies of the budget and financial statement. It shall also determine pay scales for the employees and personnel of the Administration. It may adopt such rules and regulations as it considers necessary to carry out the purposes of the Administration. It

may also institute judicial proceedings to collect support payments and to collect funds or monies due the Administration by law.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

The chief administrative officer of the Administration shall be the Executive Director who shall be appointed by the Commission with the approval of the County Judge and the Mayor. The Commission shall fix the compensation for this office and the Executive Director shall serve at the pleasure of the Commission. The Executive Director shall be responsible for administration of the programs contemplated in this Act but in the exercise of this responsibility he is subject to the supervision of the Commission.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

The Executive Director shall recommend to the Commission such departments and divisions for the structure of the Administration as he determines necessary, including, but not exclusively, units for community services, institutional services, assistance services and administrative services. The Executive Director may recommend such rules and regulations to the Commission as he determines necessary to carry out the purposes of the Administration. The Executive Director shall have authority to employ and terminate the employment of all employees and personnel of the Administration. Appropriate employees of the Administration including probation officers covered by KRS 208.230 (1) may be sworn as peace officers as provided by the law governing such appointments and perform peace officer functions in addition to their regular duties. The Executive Director shall cause the accounting of the Administration to become a part of the county's central accounting system on the same financial schedule and at the expense of the county. He shall annually prepare a budget and financial statement for the Administration and during the month of April of each year submit the budget and financial statement to the Commission.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

The employees of the Administration, both those who became employees through the consolidation of existing agencies and those hired by the Administration shall be treated as employees of the county for the purposes of the County Employees Retirement System. No benefits which have accrued or which shall accrue under this system shall be adversely affected by this Act.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

Appropriation shall be made from the general fund of the county to meet the cost of administering the provisions of this Act. Appropriations may be made out of the general fund of the city of the first class to the general fund of the county for the purposes of this Act. The Administration is authorized and directed to accept on behalf of the county or state any grant or contribution, federal, state or otherwise, made to assist in meeting the cost of carrying out the purposes of this Act. The Fiscal Court shall provide facilities necessary to carry out the same purposes.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

(1) In KRS 98.010, 98.011, 98.012, 98.013, 98.014, and 98.320 inclusive, the references to "department of public welfare," "director of welfare" and "city" shall be understood as references to "Metropolitan Social Services Administration," "Executive Director" and "County" respectively.

(2) In Chapter 201 of the Kentucky Revised Statutes the references to "Board" shall be understood as references to "Metropolitan Social Services Commission."

(3) The Reviser of Statutes is authorized to substitute the correct terms in the listed sections.

Section 10. Section 83.160 of the Kentucky Revised Statutes is amended to read:

(1) There shall be the following executive departments in cities of the first class: A department of public works, a department of public safety, a department of public finance, [a department of public welfare], a department of public parks and recreation, a department of law, a department of traffic engineering, a department of sanitation and a department of building and housing inspection. The board of aldermen of any city of the first class, whenever in its opinion, necessary and proper for the efficient administration of governmental matters of such city and the performance of the duties enjoined upon such city, may by ordinance establish one or more additional executive departments. The board of aldermen shall designate the duties and powers of departments so established by ordinance and, notwithstanding the provisions of any statute to the contrary, may transfer to any such department duties and powers assigned and granted by statute to one or more of the executive departments established by this section. Each executive department, whether established by this section or by ordinance, shall have the powers provided for in and be governed by the general provisions of KRS 61.250, 83.180 to 83.300, 91.120, 91.280 and 91.300 and shall be under the supervision and direction of a director who shall be appointed by the mayor, and the said directors of departments so appointed shall be removable at any time at the pleasure of the mayor so appointing them, or of any of his successors in office, but not by any officer who may merely for the time be filling the office of mayor in the absence or during the temporary disability of the regularly elected or appointed mayor. The directors of said departments shall have the same qualifications as members of the legislative body of said cities and shall be selected for their special fitness for the work of the said departments and shall give and devote their entire time to the discharge of their duties and shall receive adequate compensation to be fixed by ordinance. No member or officer of the legislative body shall be eligible to appointment as director of any department. The said directors shall hold office until they resign or are removed as herein provided.

(2) All functions, powers and duties vested in any city of the first class with reference to all matters affecting the health of the community in such city shall be exercised and performed

in such manner as shall be provided by Act of the General Assembly, or by ordinance of the legislative body of such city.

Section 11. Sections 90.160 (c), 98.050, 98.060, 98.070, 98.080, 98.090, 98.100, 98.110, 98.120, 98.130, 98.140, 98.150, 98.160, 98.170, 98.180, 98.210, 98.300, 98.310, 98.330, 98.340, 98.350, 98.360, 98.370, 98.380, 98.390, 201.010 (2), 201.020, 201.030, 201.040, 201.050, 201.060, 201.070, 201.170, 201.180, 201.190, 201.200 and 201.210 of the Kentucky Revised Statutes are repealed.

SB 403, AN ACT relating to the suitability of homes for children receiving aid to families with dependent children payments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.430 of the Kentucky Revised Statutes is amended to read as follows:

If the home *is* [in] unsuitable according to the evaluation made under KRS 205.420 but there is reason to believe that elimination of the undesirable conditions can be effected, the department will take the following action:

(1) Give intensive case work service to improve the undesirable conditions in the home.

(2) When intensive efforts over a reasonable period have failed to improve the home conditions, the department shall determine if any other relative or person specified by the Social Security Act is maintaining a suitable home and is willing to take custody and care for the child in their home. Upon an affirmative finding, the department shall, if the parents or relative with whom the child is living consent, assist the parent or relative in effecting the placement.

(3) If there are no suitable relatives or other specified persons available for the care of the child in their home, or if the relative with whom the child lives refuses to agree to either improving the home conditions or to permit the voluntary removal of the child from the home, the department, *or the Department*

of Child Welfare, shall file a petition for court action with the appropriate county court. The department, *or the Department of Child Welfare,* shall give in writing the reason for the petition and request a determination from the court within a thirty day period. *Provided the Department of Child Welfare shall not file a petition in any case which is in the active AFDC case load of the department.*

Section 2. Section 205.440 of the Kentucky Revised Statutes is amended to read as follows:

When a petition has been filed in the court with evidence of an unsuitable home, the judge shall hold a hearing and shall by order:

(1) Request additional evidence from the department or any other agency interested in the welfare of children and on the basis of such evidence remove the child from the home or dismiss the petition; or

(2) Commit the child to the Department of Child Welfare as provided in KRS *208.200* [200.110]; or

(3) Appoint a special committee, notwithstanding KRS 387.281, to supervise the expenditure of public assistance funds if this is a particularly family problem in the unsuitable home situation.

SB 404, AN ACT relating to the establishment of a Kentucky Health and Geriatric Authority, providing for the issuance of bonds thereby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act unless the context requires otherwise:

(1) "Agreement" means a written contract between the authority and any city, county, or other political subdivision of the Commonwealth or any combination thereof, providing for the

construction and financing and operation of one or more projects of the authority;

(2) "Authority" means the Kentucky Health and Geriatric Authority, a body corporate and politic created by this Act;

(3) "Bonds" means revenue bonds, notes or other obligations either in original or refunded form issued under the provisions of this Act;

(4) "Cost" means the expenditures for construction, acquisition of land, rights-of-way, property, rights, easements and interest acquired for such construction, demolishing or removing any buildings or structures on land so acquired, all machinery and equipment, financing charges, interest prior to and during construction, engineering and legal expenses, plans, specifications, surveys, cost and revenue estimates, other expenses necessary or incident to determining of feasibility or practicability of constructing any project, administrative expenses, and such other expenses necessary or incident to the construction of a project, the financing of such construction and the placing of the project into operation. Any expense heretofore incurred by the department on projects of the authority may be reimbursed to it from the proceeds of revenue bonds of the authority;

(5) "Department" means the Department of Health;

(6) "Lease" means a written lease made by the authority as lessor and the department, federal government, city, county, or other political subdivision of the Commonwealth or any combination thereof;

(7) "Owner" means all individuals, partnerships, associations, or corporations having any title or interest in any property, rights, easements or interest authorized by this Act to be acquired;

(8) "Project" means any building, facility, equipment or structure which the authority may deem necessary for the promotion of the health of the residents of the Commonwealth including, but not limited to, hospitals, geriatric centers, appropriately designed housing for the elderly, medical clinics, rehabilitation centers, diagnostic centers, extended care centers and such other

facilities as are related to the care, research and treatment of disease, and all property rights, easements and interest which may be acquired by the authority for the construction and operation of the project.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Kentucky Health and Geriatric Authority shall be composed of five members who shall be the Governor, Com missioner of Finance, Commissioner of Health, Commissioner of Revenue and Attorney General. These five persons and their successors in office are a body corporate and politic constituting a public corporation and governmental agency and instrumentality of the Commonwealth by the name of the "Kentucky Health and Geriatric Authority," with perpetual succession and with power in that name to contract and be contracted with, to convey property, to sue and be sued, to have and use a corporate seal, and to exercise, in addition to the powers and functions conferred by this Act, all of the usual powers of corporations not inconsistent with specifically enumerated powers.

(2) The members of the authority shall receive no compensation for their services, but are entitled to reimbursement for all reasonable expenses necessarily incurred in connection with performance of their duties and functions as members.

(3) Three members of the authority shall constitute a quorum for the transaction of business. The Governor shall be the chairman of the authority and the Commissioner of Finance shall be the vice-chairman. The authority shall elect a secretary and a treasurer who shall serve at the pleasure of the authority and receive such compensation as may be determined by the authority. The treasurer shall give bond to the authority for a faithful accounting for all funds coming into his custody, in such amount as the authority may prescribe, drawn upon a surety company qualified to do business in the Commonwealth, premium therefor to be paid by the authority. The authority shall establish and maintain an office and the secretary of the authority shall maintain therein complete records of the authority's actions and proceedings, as public records open to inspection.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

The authority may:

(1) Acquire, construct, reconstruct, maintain, repair, operate, and regulate, health projects including appropriately designed housing for elderly citizens at such locations within the Commonwealth of Kentucky, as may be determined by the authority;

(2) Acquire any interests in real property pursuant to the condemnation procedures of KRS Chapter 416 or KRS 177.081 to 177.089;

(3) Notwithstanding KRS Chapter 56, the authority may issue revenue bonds payable solely from the charges, revenues, rentals, and other funds pledged for their payment, for the purpose of paying all or any part of the cost of any project or for the acquisition of property;

(4) Sell any building, structure, facility, or any interests in land to the Commonwealth of Kentucky, the federal city, or county government, or any person or corporation;

(5) Lease any interest in real property, any building, facility, or structure to the Commonwealth of Kentucky, the federal, city, or county government or to any person or corporation;

(6) Fix and revise from time to time the charges and rent payments which will be paid by the different lessees for the use of the land, buildings and parking facilities;

(7) Combine for financing purposes any two or more projects;

(8) Establish and enforce rules, specifications, and regulations for the construction and use of any project, except during any period when such powers are assigned to a lessee pursuant to a lease agreement;

(9) Notwithstanding KRS Chapter 56, to acquire and hold in the name of the authority real and personal property in the exercise of its powers and the performance of its functions and

duties under this Act, and to dispose of these interests in property;

(10) Make and enter into such contracts and agreements with the Commonwealth of Kentucky or any federal, city, or county government or other person or corporation as may be necessary or incidental to the effectiveness of a project;

(11) Employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employes and agents as may be necessary in the judgment of the authority, and to fix their compensation;

(12) Receive and accept from the Commonwealth, the department, any federal agency, and the city or county, grants for or in aid of the construction of any project, and receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants and contributions may be made; and

(13) Do all acts necessary and proper to carry out the powers expressly granted in this Act.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

If the authority deems it suitable, feasible, necessary or expedient that any project or projects be financed or refinanced and constructed by the authority, the authority may make one or more written agreements in which the parties may include provisions as to any of the following:

(1) Identify the project to be financed by the authority, setting forth in general terms, subject to necessary revision from time to time as the work progresses, the amount of space, the type of facility, and any other information which is deemed necessary and proper for the development of the project;

(2) Set forth what portions, if any, of the cost of the project have been or shall thereafter be contributed by the authority from the funds and other resources available to it during the then current biennium and not previously obligated, which may include engineering and any other services performed by the staff

of the department; and that the department, if deemed desirable, shall supervise construction on behalf of the authority upon terms which are mutually acceptable;

(3) Set forth agrements for planning, design, acquisition of property, soliciting construction bids, awarding construction contracts, issuing of works orders, and such other steps as may be necessary or incidental to the construction of the project, and authorizing and selling bonds for the project;

(4) Agree that upon completion of the project the lessee will continuously pay all or part of the cost of repairing, maintaining and operating the project;

(5) Agree that upon the happening of stated events and the performance of stated conditions not inconsistent with law, the authority shall convey the project to the lessee;

(6) Set forth the terms and provisions of lease or sale proposed to be entered into by and between the authority and the department, federal government, county, city, or any private person or corporation;

(7) Agree that upon determination of the amount of bonds to be issued by the authority for the project and the interest rate or rates the bonds are to bear, and prior to the delivery of any bonds to the purchaser thereof, the rental to be paid during the term of the lease and each annual or biennial term for which the lease may be renewed shall be established according to a method of computation set forth therein and in the proposed lease, and that the authority and the department or other lessee, each by authorized person, shall execute such lease and file the original or a signed counterpart thereof in the office of the authority, and the Secretary of State of the Commonwealth; and

(8) Agree to establish any method of interim financing by the authority during the construction of any project, with borrowed funds from any bank, trust company, or banking institution, such funds to be amortized from money obtained through the sale of revenue bonds before, during, or at completion of the construction of such project or projects.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

The authority and the Commonwealth or other lessee may enter into any agreement, lease, or contract with respect to any project. The lessee shall upon the execution of any lease assume full responsibility for the maintenance and repair of the structure. All maintenance and repair made by the lessee shall be subject to the approval of the authority. Aside from this maintenance provision, any lease may contain, in substance, any of the provisions not inconsistent herewith as the authority and the lessee may deem appropriate and desirable;

(1) That the lease is for any number of years not to exceed forty, except that in the case of the Commonwealth, or a political subdivision the execution of said lease is contingent upon the appropriation of sufficient funds for the fiscal period to make the required lease payment for said fiscal period;

(2) That the lessee will maintain and operate the building occupied, and a specified area of the grounds. The cost of maintenance and operation will be considered in establishing the rental fee for the building and land.

(3) That as to the cost of maintaining, repairing, and operating the project, the lessee is contractually bound for the entire period of years until the final duration of the contract period. If the bonds on the project have not been retired at the end of the contract period, the lessee shall have an exclusive option to renew such lease for a like period as the first lease contract was for.

(4) That the lessee may pay an additional sum as a contribution to a guarantee fund hereinafter established in order to provide additional monies to secure the bonds issued by the authority in the manner hereinafter provided.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The authority may provide for the issuance of revenue bonds to pay all or any part of the cost of any projects undertaken pursuant to an agreement and lease. The principal and interest on such bonds are payable solely from the funds provided for such payment. Any issue may be in one or more series and any such series may enjoy equal or subordinate status with respect to the pledge of funds from which they are payable, shall be

dated, shall bear interest at such rate or rates not exceeding six per cent per annum, shall mature at such time or times not exceeding forty years from their date or dates, all as may be provided by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of the bond, including any interest coupons to be attached thereto, and shall fix the denomination of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth or at the office of the Department of Finance. The bonds shall be signed by the facsimile signature of the chairman of the authority, and the seal of the authority or a facsimile thereof shall be affixed thereto and attested by the manual signature of the secretary of the authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code, KRS Chapter 355. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The authority may sell such bonds in such manner, either at public or private sale and for such price as it may determine will best effect the purposes of this Act, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per cent per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project or projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of th bonds first issued. If the proceeds of the bonds of any issue exceed such cost, the surplus shall be deposited to the credit of the sinking fund or funds for such bonds or any account or accounts therein as the authority shall have provided in the proceedings or trust indenture authorizing and securing such bonds.

(3) Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue notes or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of KRS 58.210 to 58.315 without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any proceedings or any other conditions or things, except as specifically required by this Act. This Act will supersede KRS 56.450 in regard to the sale of revenue bonds by this authority.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

Bonds issued by the authority under the provisions of this Act do not constitute a debt of the Commonwealth or of any political subdivision thereof, or a pledge of the faith and credit of the Commonwealth or of any such political subdivision, but such bonds shall be payable solely from the funds provided therefor

under the provisions of this Act. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth nor the authority shall be obligated to pay the same or the interest thereon except from revenues of the project for which they are issued, including rentals under a lease of such project.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

In the discretion of the authority, any bonds issued under the provisions of this Act may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the power of a trust company in or outside of Kentucky. Such trust indenture or the proceedings providing for the issuance of such bonds may pledge or assign the rents and other revenues to be received. The trust indenture or proceedings may contain provisions for protecting and enforcing the rights and remedies of the bondholders which are reasonable and proper and not in violation of laws, including covenants setting forth the duties of the authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation, and insurance of the project or projects in connection with which such bonds are authorized, the rates or rental charges, and the custody, safeguarding and application of all moneys. It is lawful for any bank or trust company which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition, any such trust indenture or preceedings may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust indenture or proceedings may be treated as a part of the cost of the operation of the project or projects.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

Any holder of bonds issued under the provisions of this Act

or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted under this Act or under such trust indenture or proceedings to be performed by the authority or by any officer or employes thereof, including the fixing, charging, and collecting the rents.

Section 10. A new section of the Kentucky Revised Statutes is created to real as follows:

Bonds issued by the authority are securities in which all public officers and public bodies, agencies and instrumentalities of the Commonwealth and its political subdivisions, all insurance companies, trust companies, bank associates, investment companies, executors, administrators, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Secetion 11. A new section of the Kentucky Revised Statutes is created to read as follows:

The authority may provide for the issuance of revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if the authority shall so determine, for the additional purpose of constructing improvements, extensions, or enlargements of the project or projects in connection with which the bonds to be refunded shall have been issued. The authority may also provide for the issuance of its revenue bonds for the combined purpose of (1) refunding

any bonds then outstanding which are issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (2) paying all or any part of the cost of any additional project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the authority in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

All moneys, received under the provisions of this Act, either from the sale of bonds or as revenues, are trust funds to be held and applied solely as provided in this Act. The proceedings or the trust indenture shall provide that any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such proceedings or trust indenture may provide.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

The authority is not required to pay any taxes or assessments of any nature whatsoever, upon any project or projects owned by the authority and/or by the authority to the department, any person or privately owned corporation; or any property acquired or used by the authority under the provisions of this Act; or upon the incomes or revenues from the lease or use of such property. Nor will there be any tax or assessment of the Commonwealth on any bonds issued under the provisions of this Act, their transfer or the income therefrom which included any profit made on the sale of such bonds.

Section 14. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The authority may purchase, whenever it shall deem such purchase expedient, from funds provided pursuant to this Act, lands, structures, property, rights, rights-of-way, franchise,

easements and other interests in land, including lands lying under water and riparian rights, which are located within the Commonwealth, as it may deem necessary or convenient for the construction and operation of any project, upon such terms and at such prices as may be considered by it to be reasonable, and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the authority.

(2) If a reasonable price cannot be agreed upon, or if the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the authority may acquire by condemnation or by eminent domain any lands, property, rights-of-way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision, deemed necessary or convenient for the construction or the efficient operation of any project or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by the Constitution and laws of the Commonwealth which relate to condemnation or to the exercise of the power of eminent domain. Title to any property acquired by the authority shall be taken in the name of the authority. In any condemnation proceedings the court having jurisdiction of the suit, action or proceedings may make such orders as may be just to the authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the authority to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the authority shall impose any liability upon the Commonwealth except as may be paid from the funds provided under this Act.

(3) If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up his possession thereof, the authority may proceed to obtain possession in any manner provided by law.

Section 15. A new section of the Kentucky Revised Statutes is created to read as follows:

Except as otherwise provided in the agreement or lease relating thereto, each project when constructed and opened shall be maintained and kept in good condition and repair by the lessee under the terms and provisions of such agreement or lease, and shall be operated and maintained by such lessee, and other operating and maintenance employes, as the lessee may in its discretion employ, and the lessee shall not be reimbursed for the cost thereof unless expressly otherwise provided in such agreement or lease.

Section 16. A new section of the Kentucky Revised Statutes is created to read as follows:

The city and county and all other political subdivisions thereof and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provisions of law, are hereby authorized and empowered to lease, lend, grant or convey to the authority at its request, upon such terms and conditions as the proper authorities of such counties or cities, political subdivisions agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the authority, including public buildings and other real property already devoted to public use.

Section 17. A new section of the Kentucky Revised Statutes is created to read as follows:

The authority may dispose of any project by conveying the project to the department or other lessee when all bonds issued under the provisions of this Act in connection with any project or projects and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders.

Section 18. A new section of the Kentucky Revised Statutes is created to read as follows:

All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this Act.

Section 19. A new section of the Kentucky Revised Statutes is created to read as follows:

There is hereby created a Kentucky Health and Geriatric Authority revenue bond guarantee fund which shall be deposited in the State Treasury and which shall consist of the following:

(1) Appropriations made by the General Assembly;

(2) Proceeds of an annual charge not to exceed five per cent of the annual rental to be paid by the lessee of any project of the authority which charge shall be an insurance premium for the bond guarantee created hereby.

(3) Gifts, contributions or other sums designated for the use of said bond guarantee fund which may be made to the authority.

The monies contained in the bond guarantee fund shall be invested as the authority may direct and shall be used only to insure the payment of all bonds, notes or other obligations of the authority as to principal and interest. At such times as the monies contained in the bond guarantee fund are sufficient to pay the principal and interest on all bonds of the authority, which would become due in the next ensuing two years, the authority need not collect premiums, or accept gifts or accumulate monies beyond such demand and any surplus monies shall be credited to the general fund of the Commonwealth. In the event of the default or threat of default on the payment of principal of or interest on any of the bonds of the authority, the authority shall pay over such sums contained in the bond guarantee fund as are necessary to pay the principal of and interest on such bonds as are in default or threat of default to the extent of the bond guarantee fund. The authority shall establish such rules and regula-

tions as are necessary to further implement the bond guarantee fund as are not inconsistent with this Act.

Section 20. A new section of the Kentucky Revised Statutes is created to read as follows:

By January 30 each year the authority shall make an annual report of its activities for the preceding calendar year to the Governor and to the General Assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The authority shall provide for an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. Such audits shall be public records within the meaning of KRS 171.650.

Section 21. A new section of the Kentucky Revised Statutes is created to read as follows:

No officer or employe of the authority shall have any interest, direct or indirect, in the sale or purchase of any bonds authorized by this Act. Violation of this provision shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 22. A new section of the Kentucky Revised Statutes is created to read as follows:

This Act provides an additional and alternative method for the doing of the things authorized thereby, and supplements and adds to powers conferred by other laws, and is not in derogation of any powers now existing; provided, however, that the issuance of revenue bonds or revenue refunding bonds by the authority under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

SB 406, AN ACT relating to venereal diseases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the intention of this Act to control and eradicate, insofar as possible, venereal diseases in Kentucky.

Section 2. As used in this Act:

(1) "Department" means the Kentucky State Department of Health:

(2) "Contact" means a person named by a person infected with a venereal disease as one with whom he or she has been intimate during his or her period of infectivity or by whom he or she may have been infected;

(3) "Person" includes both adults and minors under 21 years of age;

(4) "Venereal Disease" means syphilis, gonorrhea, chancroid, granuloma inguinale and lymphogranuloma venereum.

Section 3. Authorized personnel of the State and local health departments are directed and empowered to administer and enforce the provisions hereinafter set forth relating to the prevention of the spread of venereal disease. Their duties shall include, among other things, the investigation of persons known to be or suspected of being infected with or exposed to a venereal disease and the referral of such persons to their personal physician or to the local health department. Local health officers and public health physicians employed by the State or local health departments are hereby empowered and directed to make such examinations of persons reasonably suspected of either having a venereal disease or having been exposed to a venereal disease as may be necessary for carrying out this Act.

Section 4. (1) Any person reasonably suspected of being infected with a venereal disease, or of being a contact thereof, shall undergo such medical examination as is necessary, including such serological tests and misroscopic examinations as are deemed advisable by the examining physician to definitely determine the existence or nonexistence of a venereal disease. If such person is found to be infected with a venereal disease, he shall undergo such treatment as may be determined by the examining physician to render him noninfectious. During the time when a person reasonably suspected of being infected with a venereal disease is undergoing medical examination and treatment, he shall refrain from committing any acts or deeds that

would permit the spread of the disease to other persons. Any person infected with a venereal disease shall submit himself to a physician licensed to practice medicine or osteopathy. In the event such person is medically indigent, he shall report to his local health department and shall receive an examination and proper treatment.

(2) Any person reasonably suspected of being infected with or having been exposed to a venereal disease who refuses to submit himself for examination and treatment as hereinabove provided or who does not refrain from committing acts or deeds which would permit the spread of the disease, shall be considered delinquent and shall be quarantined by the State or local health department until such time as the provisions of Subsection (1) of this section are complied with.

(3) Examination and treatment for venereal disease is hereby declared to be a medical emergency. Persons under 21 years of age may give legal consent for examination and treatment for any venereal infection.

Section 5. Any physician who makes a diagnosis of a case of venereal disease shall report such case as soon as practical to his local health department or to the State Department of Health stating the infected person's name and address, age, sex, color, date of onset, and in the case of syphilis, the stage of the disease or as otherwise authorized by regulation of the State Board of Health.

Section 6. All information and reports concerning persons infected with a venereal disease are hereby declared to be confidential and only authorized personnel of the local health department concerned, the physician or physicians concerned, and the State Department of Health shall be permitted access to such records and information. The State Department of Health and local health departments may, however, transmit venereal disease information and reports concerning infected person or persons suspected of being infected to appropriate federal, state or local health departments or agencies.

Section 7. Whenever any public or private laboratory in

Kentucky performs a laboratory test for any venereal disease the result, if reactive, shall be reported within one week thereafter to the State Department of Health on forms furnished by the Department. This section does not relieve an approved laboratory from its obligation of forwarding the results of all laboratory tests (both reactive and non-reactive) to the State Department of Health if the test is made for the purpose of complying with Kentucky's premarital and prenatal laws. (KRS 402.120 et seq. and KRS 214.160 et seq.) Any report made pursuant to this Act shall not be deemed to be a violation of the physician-patient relationship or otherwise contrary to the ethics of the medical profession.

Section 8. The State Board of Health may adopt rules and regulations for carrying out the intent of this Act.

Section 9. Any participating in good faith in the making of a report or in administering treatment to infected persons or contacts thereof or otherwise complying with the provisions of this act or the rules and regulations of the State Board of Health shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

Section 10. Any person who fails to comply with the provisions of this Act shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Each day of violation or non-compliance shall constitute a separate offense.

SB 412, AN ACT relating to Medical Laboratories.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the "Kentucky Medical Laboratory Act."

Section 2. It is the declared purpose of this Act to protect the public health, safety, and welfare of the people of this State from the hazards of improper performance by medical laboratories. The General Assembly recognizes that medical laboratories provide essential services to the medical practitioner by

furnishing him vital information which is essential to a determination of the nature, cause, and extent of the condition involved and that the people of this State are entitled to receive the highest level of competence, reliability, and accuracy that may be expected from medical laboratories and that unreliable and inaccurate reports may cause unnecessary anxiety, suffering, financial burdens, and even contribute directly to death. It is the extent of this Act to safeguard the health of the people of this State by regulating the operation of medical laboratories.

Section 3. As used in this Act unless the context clearly indicates otherwise, the following terms shall have the meanings set forth below:

(1) "Person" means any individual, firm, partnership, association, corporation, municipality, political subdivision, or any other entity whether organized for profit or not.

(2) "Department" means the Kentucky State Department of Health.

(3) "Board" means the Kentucky State Board of Health.

(4) "Medical Laboratory" means any institution, building, place or any other facility in which operations and procedures for the microbiological, serological, chemical, hematological, immunahemotalogical, biophysical, cytological, pathological or other methods of examination of tissues including blood, secretions and excretions of the human body are performed to obtain information in diagnosing, preventing or treating disease, or in which the results of any examination, determination or test are used as a basis of health advice. These activities include the diagnosis and identification of disease by the examination of tissues removed by surgery and also the determination of cause of death by the examination of tissues removed at autopsy. The term "clinical laboratory" shall be deemed synonomous with the term "medical laboratory," and includes laboratories operated and maintained exclusively for teaching purposes.

(5) "Medical Laboratory Director" means the individual who is responsible for the administrative, scientific and technical operation of the medical laboratory, including supervision of laboratory procedures, reporting of findings, and active participa-

tion to such extent as may be necessary to assure compliance with the law. He shall be responsible for the proper performance of all work in the laboratory and shall direct, supervise and be responsible for the work of subordinates.

(6) "Medical Laboratory Supervisor" means an individual who, under the general supervision of a medical laboratory director, supervises technical personnel, performs tests requiring special scientific skills, experience and educational background, and, in the absence of the director, is held responsible for the proper performance of all medical laboratory procedures and the reporting of results.

(7) "Medical Laboratory Technologist" means an individual who performs tests which require the exercise of independent judgment and responsibility, with minimal supervision by the director or supervisor, in only those specialties or subspecialties in which they are qualified by education, training, and experience.

(8) "Medical Laboratory Technician" means any individual other than the medical laboratory director, supervisor, technologist, or trainee who functions under the supervision of a medical laboratory director, supervisor, or technologist and performs only those medical laboratory procedures which require limited skill, responsibility, and a minimal exercise of independent judgment.

(9) "Medical Laboratory Trainee" means any individual in a medical laboratory who is seeking training and experience which, combined with the appropriate educational background, will qualify that person for employment as a "Medical Technologist" or "Medical Laboratory Technician." Trainees may perform procedures under the direct supervision of the laboratory director, supervisor, or medical technologist.

(10) "Medical Laboratory Personnel" includes the medical laboratory director, supervisor, technologist or technician, but does not include medical laboratory assistants, trainees, or other individuals employed by a medical laboratory to perform clerical or other administrative responsibilities.

(11) "Medical Laboratory Evaluation Program" means a

program for evaluating the proficiency of medical laboratories by the Department.

(12) "Medical Laboratory Advisory Committee" shall mean a group of consultants appointed by the Commissioner of Health to advise the Department on matters relating to the regulation of medical laboratories.

Section 4. This Act applies to all medical laboratories within the State of Kentucky, except:

(1) Medical laboratories operated by the United States Government;

(2) Medical laboratories operated by a licensed physician, or a group of licensed physicians, solely and exclusively in connection with the diagnosis and treatment of their own patients. If any referred work is received or performed by such medical laboratories, all provisions of this Act shall apply.

(3) Medical laboratories operated by hospitals licensed by the State Board of Health.

(4) Medical laboratories operated and maintained exclusively for research purposes, involving no patient or public health service whatsoever.

Section 5. The Board shall adopt reasonable rules and regulations to effectuate the purposes and provisions of this Act, which may include, but not be limited to, the following subject matters: licensure of medical laboratories; qualifications of medical laboratory personnel; standards of performance in the examination of specimens including the operation by the Department of a medical laboratory evaluation program; reasonable license fees for medical laboratory licensure; standards of construction of medical laboratories; sanitary conditions within the medical laboratory and its surroundings; and standards of medical laboratory equipment.

Section 6. The Department is authorized to inspect the premises and operations of all medical laboratories for the purpose of studying and evaluating the operation, supervision, and procedures of such facilities and to determine their effect upon the health and safety of the people of this State.

Section 7. The Department may require reporting by medical laboratories of selected test results for the protection of the public health. The Department may furnish forms for this purpose. Such reports shall not be construed as constituting a diagnosis nor shall any medical laboratory or medical laboratory personnel making such a report be held liable for having violated a trust or confidential relationship by filing such a report. The reports submitted shall be deemed confidential and not subject to public inspection.

Section 8. The Department may require medical laboratory directors to submit such reports concerning medical laboratory operations as may be reasonably necessary to administer this Act, such as changes of personnel, services or program.

Section 9. The Commissioner of Health shall appoint an advisory committee to advise the Department in the fulfillment of its responsibilities under this Act. The committee shall be composed of nine appointed members. The Commissioner of Health or his designated representative shall be an ex-officio member. All appointed members shall serve for a term of four years or until their successors are appointed and qualified. One member shall be appointed from a list of three names submitted by the Kentucky Hospital Association. One member shall be appointed from a list of three names submitted by the Kentucky State Society of American Medical Technologists. Two members shall be appointed from a list of three names for each position submitted by the Kentucky State Society of Medical Technologists. Five members shall be appointed from a list of three names of each position submitted by the Kentucky Medical Association, provided, however, that at least three of such positions shall be filled only by pathologists who are directors of medical laboratories, and who have been recommended to the Kentucky Medical Association by the Kentucky Society of Pathologists.

Section 10. No person shall construct, acquire, maintain or operate a school for training medical laboratory personnel and/or medical laboratory trainees in this State unless approval has first been obtained from the Department. Approval shall be

contingent upon presentation of satisfactory evidence that the curriculus, personnel and equipment of such school is adequate to provide quality training in medical laboratory techniques.

Section 11. Except as provided in Section 4 of this Act, no person shall construct, acquire, maintain, or operate a medical laboratory in this State unless a license therefor has been obtained from the Department. A separate license shall be obtained for each location.

Section 12. A license to operate a medical laboratory shall be issued to the director for the purposes stated in the application, and he shall be responsible to the Department for the maintenance and conduct thereof including any violations of the provisions of this Act and the regulations promulgated hereunder. A license shall be valid only in the hands of the person to whom it is issued and shall not be the subject of sale, assignment, or transfer (volunarty or involunary) nor shall a license be valid for any premises other than those for which issued.

Section 13. Application for a medical laboratory license shall be made under oath by the director of the medical laboratory. The license shall be issued only for the performance of those medical laboratory procedures which the particular laboratory, by virtue of the educational and experience background of its laboratory personnel and the nature of its equipment and facilities, is competent to perform. A license shall not be issued unless the Department determines that the medical laboratory is adequately staffed and equipped to operate in conformity with the requirements of this Act and the regulations promulgated hereunder.

Section 14. A medical laboratory license shall specify, on the face thereof, the names of the director and the owner, the procedures or categories of procedures authorized, the period for which it is valid, and the location at which such procedures must be performed. The license shall be prominently displayed.

Section 15. A medical laboratory license shall be valid for the calendar year for which it is issued. The initial application

fee for a license and the annual renewal fee shall be paid acocrding to the reasonable fee schedule established by regulations of the Board; Provided, however, that no fee shall exceed $25.00.

Section 16. (1) Except as otherwise provided in Subsections 2 and 3 of this Section, the director of a medical laboratory shall be a physician licensed to practice medicine in Kentucky.

(2) The director of a medical laboratory may be the holderof an earned doctoral degree, with a chemical, physical or biological science as his major subject, from an institution accredited by an appropriate agency of the State or by any other equivalent accrediting agency acceptable to the Department or from an institution which, in the opinion of the Department, maintains standards equivalent to those of an institution accredited as aforesaid, who subsequent to graduation has had at least two years of experience in the medical laboratory specialty for which he was trained.

(3) In the event an individual has been serving as a director of a medical laboratory in Kentucky for a period of not less than a year prior to the effective date of this Act, he may continue to direct such medical laboratory notwithstanding the requirements of Subsections 1 and 2 of this Section, provided, however, that the Department may require (in the interest of the health, safety, and welfare of the people of this State) as a condition precedent to the issuance of an original or renewal license hereunder, that such individuals demonstrate their ability satisfactorily to perform medical laboratory examinations and to direct a medical laboratory.

(4) Tests performed in a laboratory director by a nonphysical shall be limited to the specialties or subspecialties of medical laboratory procedures for which the director is personally qualified through education and experience and no medical interpretation of test results, diagnosis, prognosis, or suggested treatment shall be made.

Section 17. The Department may prescribe minimal qualifications for medical laboratory personnel including, but not limited to, microbiology, serology, chemistry, hematology, immunohematology, biophysics, cytology, or pathology.

Section 18. A medical laboratory shall examine human specimens only at the request of a licensed physician, dentist, or other person authorized by law to use the findings of medical laboratory examinations. The results of a test shall be reported directly to the licensed physician, dentist, or other authorized person who requested it. Such report shall include the name of the director and the name and address of the medical laboratory in which the test was actually performed. All specimens accepted by a medical laboratory shall be tested on the premises except that specimens for infrequently performed tests may be forwarded for examination to another medical laboratory licensed under this Act or to a medical laboratory located outside this State if licensed or approved by the appropriate agency of the State concerned.

Section 19. Only a licensed physician, dentist or other person authorized by law shall manipulate a patient for the collection of specimens, except that qualified personnel authorized by him may collect human blood or materials for smears or cultures.

Section 20. (1) No person shall represent, or maintain an office or specimen collection station or other facility for the representation of any medical laboratory situated in this State unless the medical laboratory so represented is licensed pursuant to the provisions of this Act.

(2) No person shall represent, or maintain an office or a specimen collection station or other facility for the representation of any medical laboratory situated outside this State unless the medical laboratory so represented is licensed or approved by the appropriate agency of the State concerned.

(3) The Department may, from time to time, determine which tests may be performed on specimens shipped through the mails and may prescribe requirements for collection, transportation and preservation of such specimens.

Section 21. (1) Records involving medical laboratory services and copies of reports of laboratory tests shall be kept for the period of time and in a manner prescribed by regulation of the Board. They shall be made available to representatives of the Department for inspection during regular office hours.

(2) Each medical laboratory shall establish its own quality control program acceptable to the Department including use of, where applicable, reference or control sera and other biological samples, concurrent calibration standards, and control chart recordings.

Section 22. All fees collected under the provisions of this Act shall be credited to a trust and agency fund to be used by the Department for defraying the costs of administering this Act.

Section 23. A medical laboratory license may be denied, revoked, suspended, limited, annulled, or renewal thereof denied for any of the following reasons:

(1) Making false statements on an application for medical laboratory license or any other documents required by the Department.

(2) Permitting unauthorized persons to perform technical procedures or to issue or sign reports.

(3) Demonstrating incompetence or making frequent esrors in the performance or reporting of medical laboratory examinations and procedures.

(4) Performing a test and rendering a report thereon to a person not authorized by law to receive such services.

(5) Reporting the results determined on a specimen by a medical laboratory which has not been licensed or exempted under this Act.

(6) Rendering a report on medical laboratory work actually performed in another medical laboratory without designating the name of the director and the name and address of the medical laboratory in which the test was performed.

(7) Knowingly having professional connection with or knowingly lending the use of the name of the licensed medical laboratory or its director to an unlicensed medical laboratory.

(8) Violating or aiding and abetting in the violation of any provision of this Act or the rules or regulations promulgated hereunder.

(9) Failing to submit to the Department any report required by the provisions of this Act or the reasonable rules and regulations promulgated hereunder.

Section 24. (1) In every proceeding for suspension or revocation of a license, the Department shall furnish the medical laboratory director with written notice setting out the substance of each offense charged, with sufficient detail to reasonably appraise him of the nature, time and place thereof. Hearings may be conducted by a hearing officer of the Department, except as herein provided, no hearing shall be conducted until at least twenty days written notice thereof has been given to the medical laboratory director, who shall have the right to be present, in person or by counsel, and to present evidence and to be heard in opposition to the charges. However, a license may be temporarily suspended without a hearing for a period not in excess of twenty days upon notice to the medical laboratory director following a finding by the Department that the public health, safety, or welfare is in imminent danger.

(2) Except as otherwise provided in this Subsection, every order of the Department suspending or revoking a license shall become effective thirty days after notice is given to the medical laboratory director, unless such director within thirty days from the giving of such notice, appeals therefrom in the manner provided by Subsection 3 of this Section. Provided, however, that the Department may, when in its opinion the continued operation of the medical laboratory during the time allowed for appeal would be dangerous to the health, welfare, and safety of the public, provide in its order of suspension or revocation that said order shall become effective forthwith; in such event the Department's order of suspension or revocation shall become effective as of the date specified therein, and the medical laboratory shall not, after notice of same, continue to operate under the license after such revocation or during such period of suspension, unless and until the Department order is reversed or modified by a final and unappealable order or judgment of a court made pursuant to the provisions of Subsection 3 of this Section.

(3) Any medical laboratory which is aggrieved by an order of the Department placing it on probation, or suspending or

revoking its license may procure a declaration of rights under the Declaratory Judgment Act by filing, within thirty days after notice of said order, a complaint against the Department in the Circuit Court of Franklin County, Kentucky, together with a bond with good and sufficient sureties thereon to cover all costs, which petition shall request judicial review of the Department's order and proceedings held by the Department, or its hearing officer, and set out with particularity the grounds relied upon for reversal or modification of the order. No new or additional evidence shall be introduced in the circuit court. In the event the action of the Department is not sustained the court may, upon request of the Board, remand the case to the Board for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case by the Franklin Circuit Court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act.

(4) Any notice that is required to be given to a medical laboratory by the Department, or by its hearing officer, which is given by forwarding same by registered United States mail, postage prepaid, to the medical laboratory director at his last known address as it appears in the files of the Department of Health shall be sufficient.

(5) The Department or its hearing officer shall have authority to administer oaths and to issue complaints, notices, summonses, subpoenas and other process, in connection with any charge, proceeding or hearing relating to suspension or revocation under this Act.

Section 25. No person shall:

(1) Operate, maintain or direct a medical laboratory, as herein defined, whic his not exempt under Section 4 of this Act, unless a medical laboratory license has been obtained from the Department.

(2) Conduct, maintain, or operate a non-exempt medical laboratory unless such laboratory is under the direction of an individual authorized by Section 16 of this Act.

(3) Accept specimens for tests from and make reports to

persons who are not legally qualified or authorized to submit specimens to medical laboratories and to receive such reports. However, this does not prohibit the referral of specimens from one licensed medical laboratory to another laboratory licensed or approved under this Act providing the report indicated clearly the medical laboratory performing the test and the name of the director of such medical laboratory.

(4) Either personally or through an agent, solicit referral of specimens to his or any other medical laboratory or contract to perform medical laboratory examinations of specimens in a manner which offers or implies an offer of rebates to a person or persons submitting specimens, other fee-splitting inducements, participation in any fee-splitting arrangements, or other unearned remuneration.

(5) Violate or aid and abet in the violation of any provision of this Act or the rules or regulations promulgated hereunder.

Section 26. (1) The operation or maintenance of an unlicensed medical laboratory in violation of this Act is declared a nuisance, inimical to the public health, safety and welfare. The Department may, in addition to other remedies herein provided, bring an action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such medical laboratory until compliance with the provisions of this Act and the rules and regulations promulgated hereunder.

(2) City, County and Commonwealth Attorney and the Attorney General shall, within their respective jurisdictions, enforce the penal provision of this Act.

Section 27. The performance of any of the acts specified in Section 25 of this Act or for violation of any other provision of this Act or of any rules and regulations of the board adopted hereunder shall constitute a misdemeanor punishable, upon conviction, by a fine of not less than $300.00 nor more than $500.00 or by imprisonment for not more than one year, or by both fine and imprisonment.

Section 28. This Act shall take effect on January 1, 1969.

The Committee on Judiciary reported **SB 266, SB 182** and **SB 311** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 266, AN ACT relating to the recording of real estate mortgages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

An instrument containing forms of covenants, conditions, obligations, powers, and other clauses of a mortgage may be recorded in the county clerk's office of any county, and the county clerk of such county, upon the request of any person, on tender of the lawful fees therefor, shall record the same. Every such instrument shall be entitled on the face thereof as a "Master form recorded by . . . . (name of person causing the instrument to be recorded)" The instrument need not be acknowledged to be entitled to record.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

When any such instrument is recorded, the county clerk shall index the instrument under the name of the person causing it to be recorded in the manner provided for miscellaneous instruments relating to real estate.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

After the form mentioned in Section 1 is recorded, any of the provisions of such master form instrument may be incorporated by reference in any mortgage of real estate situated within this state, if the reference in the mortgage states that the master form instrument was recorded in the county in which the mortgage is offered for record and states the date when and the book and page or pages where the master form instrument was recorded. The recording of any mortgage which has so

incorporated by reference therein any of the provisions of a master form instrument recorded as provided in this section shall have like effect as if the provisions of the master form so incorporated by reference had been set forth fully in the mortgage.

SB 182, AN ACT relating to Eminent Domain.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known and may be cited as the Eminent Domain Act of 1968.

Section 2. As used in this Act, unless the context clearly requires otherwise:

(1) "Condemn" means to take private property for a public purpose under the right of eminent domain;

(2) "Condemnor" shall mean and include any person, corporation or entity, including the Commonwealth of Kentucky, its agencies and departments, county, municipality and taxing district authorized and empowered by law to exercise the right of eminent domain;

(3) "Condemnee" means the owner of the property interest being taken;

(4) "Court" means the circuit court;

(5) "Property" means real or personal property, or both, of any nature or kind that is subject to condemnation;

(6) "Eminent domain" means the right of the Commonwealth to take for a public purpose and shall include the right of private persons, corporations or business entities to do so under authority of law.

Section 3. Whenever any condemnor cannot, by agreement with the owner thereof, acquire the property rights, privileges or easements needed for any of the uses or purposes for which the condemnor is authorized by law to exercise its right of eminent domain, the condemnor may condemn such property, property rights, privileges or easements either in the manner otherwise

provided by law or in the manner provided by the further provisions of this Act, the condemnor being authorized to elect to proceed in such authorized manner as it may select.

Section 4. A condemnor seeking to condemn property or the use and occupation thereof, under the provisions of this Act, shall file a verified petition in the circuit court of the county in which all or the greater portion of the property sought to be condemned is located, which petition shall state that it is filed under the provisions of this Act and shall contain, in substance:

(1) Allegations sufficient to show that the petitioner is entitled, under the provisions of applicable law, to exercise the right of eminent domain and to condemn the property, or the use and occupation thereof, sought to be taken in such proceedings;

(2) A particular description of the property and the use and occupation thereof sought to be condemned; and

(3) An application to the court to appoint commissioners to award the amount of compensation the owner of the property sought to be condemned is entitled to receive therefor.

Section 5. The circuit court, or, in the absence of the circuit judge from the county, the circuit court clerk, shall appoint as commissioners three impartial housekeepers of the county who are owners of land. They shall be sworn to faithfully and impartially discharge their duties under this section. The commissioners shall view the property sought to be condemned and award to the owner or owners such a sum as will fairly represent the reduction in the market value of the entire property, all of or a portion of which is sought to be condemned, said sum being the difference between the market value of the entire property immediately before the taking and the market value of the entire property immediately after the taking thereof. They shall return a written report to the office of the circuit court clerk, stating their award and shall describe in their report the property and the use and occupation thereof condemned, giving the name of each owner and stating whether he is a non-resident of the state or under any disability.

Section 6. Upon the application of the petitioner, and the

filing of any necessary affidavits, the clerk of the court shall issue process against the condemnees to show cause why the petitioner does not have the right to condemn the property or the use and occupation thereof sought to be condemned. The summons shall contain a statement of the amount of the award. The clerk shall make such orders as to non-residents and persons under disability as are required by the Rules of Civil Procedures in actions against them in the circuit court.

Section 7. Any answer or other pleading filed by the owner or owners in response to the summons shall be filed on or before ten days after date of service. The answer or other response shall be confined solely to the question of the right of the petitioner to condemn the property sought to be condemned, but without prejudice to the owner's right to except from the amount of the compensation awarded in the manner provided in subsection (1) of Section 9.

Section 8. (1) After the owner has been summoned ten days, the court shall examine the report of the commissioners to determine whether it conforms to the provisions of Section 5. If the report of the commissioners is not in the proper form the court shall require the commissioners to make such corrections as are necessary.

(2) If no answer or other pleading is filed by the owner or owner's putting in issue the right of the petitioner to condemn the property or the use and occupation thereof sought to be condemned, the court shall enter an interlocutory judgment which shall contain, in substance:

(a) A finding that the petitioner has the right, under the provisions of this Act and other applicable law to condemn the property or the use and occupation thereof;

(b) A finding that the report of the commissioners conforms to the provisions of Section 5;

(c) An authorization to take possession of the property for the purposes and under the conditions and limitations, if any, set forth in the petition, upon the payment of all costs and the payment to the owner, or to the clerk of the court if the owner

refuses to accept it, the amount of the compensation awarded by the commissioners;

(d) Proper provision for the conveyance of the title to the land and material, to the extent condemned, as adjudged therein in the event no exception is taken as provided in subsection (1) of Section 9.

(3) Any exception from such interlocutory judgment by either party or both parties shall be confined solely to exceptions to the amount of compensation awarded by the commissioners.

(4) If the owner has filed answer or pleading putting in issue the right of the petitioner to condemn the property or use and occupation thereof sought to be condemned, the court shall, without intervention of jury, proceed to hear and determine whether or not the petitioner has such right. If the court determines that petitioner has such right, an interlocutory judgment, as provided for in subsection (2) of this section, shall be entered. If the court determines that petitioner does not have such right, it shall enter a final judgment which shall contain, in substance:

(a) A finding that the report of the commissioners conforms to Section 5;

(b) A finding that the petitioner is not authorized to condemn the property or the use and occupation thereof for the purposes and under the conditions and limitations set forth in the petition, stating the particular ground or grounds on which the petitioner is not so authorized;

(c) An order dismissing the petition and directing the petitioner to pay all costs.

Section 9. (1) Within thirty days from the date of entry of an interlocutory judgment authorizing the petitioner to take possession of the property, exceptions may be filed by either party or both parties by filing with the clerk of the circuit court and serving upon the other party or parties a statement of exceptions, which statement shall contain any exceptions the party has to the award made by the commissioners. The statement of exceptions shall be tried, but shall be limited to the questions which are raised in the original statements of the exceptions, or as amended, but the owner shall not be permitted to raise any ques-

tion, nor shall the court reconsider any question so raised, concerning the right of the petitioner to condemn the property. All questions of fact pertaining to the amount of compensation to the owner, or owners, shall be determined by a jury, which jury may be sent by the court, in the charge of the sheriff, to view the land and material. After a jury trial, and if possession previously has not been taken by the condemnor of the land and material condemned, it may do so upon the payment to the owner, or to the clerk of the circuit court if the owner refuses to accept it, the amount of the compensation adjudged by the circuit court to be due the owner and by paying such costs as are required to be paid by the condemnor under the provisions of subsection (4) of this section.

(2) Appeals may be taken at the Court of Appeals from the final judgment of the circuit court as in other cases except that an appeal by the owner shall not operate as a supersedeas.

(3) The payment by the condemnor of the amount of compensation awarded and the taking possession of the lands and material condemned shall not prejudice its right to except from the award of the commissioners or the judgment of any court, nor shall the acceptance by the owner of the amount of the compensation awarded prejudice his right to except from the award of the commissioners or the judgment of any court.

(4) All costs shall be adjudged against the condemnor.

(5) If the condemnor takes possession of the property condemned and the amount of compensation is thereafter increased over that awarded by the commissioners, the condemnor shall pay interest to the owner at the rate of six percent per annum upon the amount of such increase from the date the condemnor took possession of the property. If the condemnor takes possession of the property condemned and the amount of compensation is thereafter decreased below that awarded by the commissioners, the condemnor shall be entitled to a personal judgment against the owner for the amount of the decrease plus interest at the rate of six percent per annum from the date the condemnor paid the amount of compensation into court or to the owner.

(6) Upon the final determination of exceptions, or upon

expiration of thirty days from entry of the interlocutory judgment if no exceptions are filed, the circuit court shall make such orders as may be proper for the conveyance of the title to the extent condemned, to the property, and shall enter such final judgment as may be appropriate.

Section 10. All money paid into court or paid or transferred to the clerk of a court under the provisions of this Act shall be received by the clerk of the court and held subject to the order of the court, for which the clerk and his sureties on his official bond shall be responsible to the persons entitled thereto.

Section 11. Where there are conflicting claimants to the land sought to be condemned and all such parties are before the court, each claimant, for the purposes of the condemnation proceeding only, shall be deemed to be an owner, and the procedure for the condemnation of the land shall be as provided in this Act except that, before the condemnor shall be entitled to take possession of the land, it shall be required to pay the compensation awarded therein to the circuit court clerk, to be held for the benefit of, and paid over to such persons as may thereafter be determined to be entitled to receive it. In such cases, the claimants may have their rights determined in a separate action, but the filing of such action or its pendency shall in no wise stay or delay said condemnation proceedings.

Section 12. All proceedings under this Act shall be governed by the provisions of the Rules of Civil Procedure except where the provisions of this Act specifically or by necessary implication provide otherwise.

Section 13. In all actions for the condemnation of lands under the provisions of this Act, there shall be awarded to the landowners as compensation such a sum as will fairly represent the difference between the fair market value of the entire tract, all or a portion of which is sought to be condemned, immediately before the taking and the fair market value of the remainder thereof immediately after the taking, including in the remainder any rights which the landowner may retain in the lands sought to be condemned where less than the fee simple interest therein is taken.

SB 311, AN ACT relating to public defenders.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read:

(1) There shall be a public defender appointed by the Judicial Council for a term of four years for each circuit court district in which there is a city of the first or second class. The public defender shall be at least twenty-four years of age at the time of his appointment, a citizen of Kentucky and a resident of the state for two years and of the district for which he is appointed for one year next preceding his appointment, and a licensed practicing attorney for three years.

(2) The public defender shall represent any person who is determined to be insolvent as provided in this act, who is under arrest for, or is charged with, a felony or misdemeanor within the jurisdiction of the circuit court if such person requests it or if the court, on its own motion, so orders and such person does not knowingly, understandingly, and intelligently waive the opportunity to be so represented. The clerk of the court conducting such proceedings is directed to make such proceedings a matter of record.

(3) The public defender may, with the consent of the trial court, but without compensation by the state, accept the voluntary services of members of the Kentucky bar in good standing in the defense of an insolvent person.

(4) The public defender shall give priority and preference to his duties under the provisions of this act and may engage in the private practice of law only to the extent that it will not interfere with or prevent performance of his duties as public defender and shall not otherwise engage in the practice of criminal law.

Section 2. A new section of the Kenucky Revised Statutes is created to read:

(1) The Judicial Council shall appoint a State Public Defender who shall conduct all appeals to the Court of Appeals

in all criminal cases in which the defendant was represented by a public defender and in which an appeal may be made. The state public defender shall be at least thirty years of age, a resident of Kentucky for at least the two preceding years and a practicing lawyer for three years at the time of his appointment.

(2) The state public defender shall perform all duties necessary for the prosecution of an appeal at the request of any person determined to be indigent as provided in Section 4 of this Act, or at the request of the Court of Appeals, to prosecute an appeal or any post-conviction remedy in behalf of such person before that court, if the state public defender is first satisfied that there is arguable merit to the proceeding.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

(1) The salary of the public defender in a county containing three or more divisions of circuit court shall be $9,600 per year; in other counties it shall be $7,500 per year. In a county containing a city of the first class the public defender may have one assistant with the qualifications set out in subsection (1) of Section 1 of this Act, who shall receive a salary of $7,500 per year. The salary of the State Public Defender shall be $12,000 per year.

(2) A circuit court public defender shall receive an expense allowance of $100 per month to defray office expenses. The State Public Defender shall have an office in the Capitol Building in Frankfort.

(3) Salaries and expenses authorized by this secion shall be paid from the State Treasury in the same way that circuit judges' salaries are paid.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) The determination of insolvency of any accused person shall be made by he court and may be done at any stage of the proceedings. The public defender shall be allowed process of the court to summon witnesses to testify before the

court concerning the financial ability of any accused person to employ counsel for his own defense.

(2) If the trial court shall determine and adjudge, within one year after the determination of insolvency, that any accused was erroneously or improperly determined to be insolvent the state attorney may, in the name of the state, proceed against such accused for the reasonable value of the services rendered to the accused and including all costs paid by the state or county in his behalf. Any amount recovered shall be deposited in the general revenue fund to the account from which the expenses of the office of public defender are paid.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

There is hereby created a lien, enforceable as hereinafter provided, upon all the property, both real and personal, of any person who is receiving or has received any assistance from any public defender of the state. Such assistance shall constitute a claim against the applicant and his estate, enforceable according to law in an amount to be determined by the court in which such assistance was rendered. Immediately after such assistance is rendered and upon determination of the value thereof by the court, a statement of claim showing the name and residence of the recipient shall be filed for record in the office of the clerk of the circuit court in the county where the recipient resides and in each county in which such recipient then owns or later acquires any property. Said liens shall be enforced on behalf of the state by the several public defenders, and shall be utilized to reimburse the state to defray the costs of the public defender system. The lien herein created shall be a continuing obligation, irrespective of any statute of limitations.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

The public defender shall file with the Judicial Council quarterly reports of the activities of his office.

The Committee on Elections and Constitutional Amendments reported **SB 306** with the expression of opinion that the same

should pass. Read at length for the first time and ordered placed in the Calendar.

SB 306, AN ACT relating to campaign financing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 123.071 of he Kentucky Revised Statutes is amended to read as follows:

(1) Each candidate in an election shall appoint one campaign treasurer and shall designate a campaign depository on or before the date of public announcement of his candidacy or on the date he files as a candidate, whichever is sooner. The candidate may appoint himself or any other registered voter in Kentucky as his campaign treasurer and may designate any bank authorized by law to transact business in Kentucky as his campaign depository. [The candidate shall file the name and address of the campaign treasurer and the campaign depository with the Registry, and his qualification shall not be complete until he has met this requirement.]

(2) A candidate may appoint deputy campaign treasurers and may designate one additional campaign depository in each county in which the campaign is conducted. [The candidate shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the registry.]

(3) A candidate may remove a campaign treasurer or deputy campaign treasurer at any time.

(4) In case of the death, resignation or removal of a campaign treasurer the candidate shall within three days after receiving notice thereof by certified or registered mail appoint a successor [and shall file his name and address with the Registry. The candidate shall be disqualified if he fails to meet this filing requirement].

(5) A person may serve as campaign treasurer or deputy campaign treasurer for more than one candidate, but all reports must be made separately for each individual candidate.

(6) The candidate may pay a campaign treasurer and his

deputy campaign treasurers a salary for their services which shall be considered a campaign expense and must comply with the reporting provisions of KRS 123.005, 123.051 to 123.101 and 123.991 [and those developed by the registry].

(7) Fifteen days before the date for making the nomination and fifteen days before the day of the election, the candidate shall file, with the officer with whom he filed his nomination papers the names and addresses of his campaign treasurer, deputy treasurers, and campaign depository or depositories.

Section 2. Section 123.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each committee organized, in whole or in part, for the purpose of furthering a political candidacy, shall register with the *officer with whom the candidate filed his nomination papers* [registry], by filing official notice of intention at the time of organization, giving names and addresses and positions of the officers of the organization and designating the candidate or candidates it is organized to support [on forms prescribed by the registry].

(2) All provisions of KRS 123.005, 123.051 to 123.101 and 123.991 governing the duties and responsibilities of a candidate or campaign treasurer shall apply to a registered committee.

Section 3. Section 123.091 of the Kentucky Revised Statutes is amended to read as follows:

Within *thirty* [fifteen] days after the election, each campaign depository of a candidate or registered committee, shall file with the *officer with whom the candidate filed his nomination papers* [registry], originals or true copies of all statements filed by the treasurers [regulations adopted by the registry] upon which funds were withdrawn from the accounts designated as campaign accounts.

Section 4. Section 123.991 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates a provision of KRS 123.005 or 123.051 to 123.101 is guilty of a misdemeanor and shall be

punishable by a fine not exceeding $1,000 or by imprisonment for not more than one year, or both. Violations shall include but shall not be limited to any of the following acts or omissions;

(a) Failure to make required reports or to file reports at times specified;

(b) Making any false statement or report;

(c) Giving money under a fictitious name;

(d) Making any communication to support or defeat a candidate without identification of sponsorship.

(2) The nomination for, or election to, an office of any candidate who violates any provision of KRS 123.005, 123.051 to 123.101 and 123.991, or whose campaign treasurer or any deputy campaign treasurer violates a provision of KRS 123.005, 123.051 to 123.101 and 123.991, with such candidate's knowledge, shall be void, and the office or candidacy shall be filled as provided by law for the filling of a vacancy.

(3) Promptly after the final date for filing statements and reports the *officer with whom the condidates filed their nomination papers* [Registry] shall notify all persons who have become delinquent in filing the same, including contributors, [and] shall make available a list of such delinquents for public inspection *and* [. The registry] shall [also] report to the Attorney General and the Commonwealth attorneys such list.

(4) Any registered voter may sue for injunctive relief to compel compliance with the provisions of KRS 123.005, 123.051 to 123.101 and 123.991.

(5) Prosecution for violation of any provision of KRS 123.005, 123.051 to 123.101 and 123.991, shall not be commenced after one year has elapsed from the date of the violation.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Every candidate for election to any state, county, city or district office shall, on the fifteenth day before the date for making the nomination and on the fifteenth day before the day of election, file with the officer with whom he filed his nomi-

nation papers a statement in writing, subscribed and sworn to by him, setting forth in detail all sums of money, loans or other things of value received by him or in his behalf from any source and disbursed or expended by him or in his behalf up to the date of the filing of the statement in his bid for nomination or election to public office. The statement shall include the name and address of each person or group contributing more than $500, the amount contributed by each and the date of the contribution.

(2) Thirty days after the date for making the nomination and thirty days after the day of election, every candidate shall file a statement in the manner provided in Subsection (1) relating to matters occurring after the foling of the statement provided for in Subsection (1).

Section 6. Sections 123.005, 123.055, 123.061, 123.081, 123.086 and 123.101 of the Kentucky Revised Statutes are repealed.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

Forms for the financial statements required by the provisions of this Act shall be prepared and made available to the candidates by the State Election Commission.

The Committee on Business Organizations and Professions reported **SB 242, SB 254,** and **SB 36** with the expression that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 242, AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 244.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) No retailer of distilled spirits and wine shall sell, deliver or give away, or cause, permit or procure to be sold, delivered or given away any distilled spirits or wine on credit, ex-

cept that a bona fide private club or hotel holding a license may sell on reasonable credit to its members or registered guests.

(2) A restaurant licensed for the sale of distilled spirits and wine by the drink may extend reasonable credit when the purchase is made in conjunction with the purchase of food consumed on the premises.

SB 254, AN ACT relating to nonprofit corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known and may be cited as the "Kentucky Nonprofit Corporation Act."

Section 2. Definitions. As used in this Act, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a nonprofit corporation subject to the provisions of this Act, except a foreign corporation.

(2) "Foreign corporation" means a nonprofit corporation organized under laws other than the laws of this state.

(3) "Nonprofit corporation" means a corporation no part of the income or profit of which is distributable to its members, directors or officers.

(4) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto, including articles of merger.

(5) "By-laws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Member" means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or by-laws.

(7) "Board of Directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which group is designated.

(8) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its affairs.

Section 3. Applicability. The provisions of this Act relating to domestic corporations shall apply to:

(1) All corporations organized hereunder; and

(2) All nonprofit corporations heretofore organized under any act hereby repealed, for a purpose or purposes for which a corporation might be organized under this Act.

The provisions of this Act relating to foreign corporations shall apply to all foreign nonprofit corporations conducting affairs in this state for a purpose or purposes for which a corporation might be organized under this Act.

Section 4. Purposes. Corporations may be organized under this Act for any lawful purpose or purposes, including, without being limited to, any one or more of the following purposes: charitable; benevolent; eleemosynary; educational; civic; patriotic; political; governmental; religious; social; recreational; fraternal; literary; cultural; athletic; scientific; agricultural; horticultural; animal husbandry; and professional, commercial, industrial or trade association; but labor unions, cooperative organizations, and organizations subject to any of the provisions of the insurance laws or banking laws of this state may not be organized under this Act.

Section 5. General Powers. Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal and alter it at pleasure, provided, however, that the presence or absence of a corporate seal on or from a writing shall neither add to nor detract from the legality thereof nor affect its validity in any manner or respect.

(4) Subject to the provisions of Section 69 of this Act, to purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money to its employees other than its officers and directors and otherwise assist its employees, officers and directors.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this Act in any state, territory, district, or possession of the United States, or in any foreign country.

(11) To elect or appoint officers and agents of the corporation, who may be directors or members, and define their duties and fix their compensation.

(12) To make and alter by-laws, not inconsistent with its

articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) Unless otherwise provided in the articles of incorporation, to make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(14) To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation in which it owns shares of capital stock or of which it is a creditor, against expenses actually and reasonably incurred by him in connection with the defense of any action, suit or proceeding, civil or criminal, in which he is made a party by reason of being or having been such director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty to the corporation; and to make any other indemnification that shall be authorized by the articles of incorporation or by-laws, or resolution adopted after notice to the members entitled to vote.

(15) To pay pensions and establish pension plans or pension trusts for any or all of its directors, officers and employees.

(16) To cease its corporate activities and surrender its corporate franchise.

(17) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

Section 6. Defense of Ultra Vires. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(1) In a proceeding by a member or a director against the corporation to enjoin the doing or continuation of unauthorized acts; or the transfer of real or personal property by or to the

corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(2) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through members in a representative suit, against the officers or directors of the corporation for exceeding their authority.

(3) In a proceeding by the Attorney General, as provided in this Act, to dissolve the corporation, or in a proceeding by the Attorney General to enjoin the corporation from performing unauthorized acts, or in any other proceeding by the Attorney General.

Section 7. Corporate name. (1) The corporate name must include the word "corporation" or "incorporated" or the abbreviation "Inc.," or the word "company" or the abbreviation "Co.," but if the word "company" or the abbreviation "Co." is used it may not be immediately preceded by the word "and" or the abbreviation "&." The provisions of this subsection shall not affect the right of any corporation existing on the effective date of this Act to continue the use of its name.

(2) The corporate name shall not be the same as, nor deceptively similar to, the name of any other domestic corporation or of any foreign corporation authorized to do business in this state unless:

(a) Such other domestic or foreign corporation is about to change its name, or to cease to do business, or is being wound

up, or such foreign corporation is about to withdraw from doing business in this state, and

(b) The written consent of such other domestic or foreign corporation to the adoption of its name or a deceptively similar name has been given and filed in triplicate with the articles of incorporation.

(3) The corporate name shall not contain any word or phrase which indicates or implies that it is organized for any purpose not permitted under this Act.

(4) The assumption of a name in violation of this section shall not affect or vitiate the corporate existence, but the courts of this state having equity jurisdiction may, upon the application of the state or of any person interested or affected, enjoin such corporation from doing business under a name assumed in violation of this section, although a certificate of incorporation may have been issued.

Section 8. Registered Office and Process Agent. (1) Every domestic corporation shall maintain an office in this state to be known as its registered office and shall have an authorized agent upon whom process can be served. The location and post office address of the original registered office and the name and address of the registered agent shall be stated in the articles of incorporation as provided in Subsection (5) of Section 28 of this Act.

(2) When any change is made in the name or address of the process agent, the corporation shall at once file with the Secretary of State a statement of the change. The former agent shall remain agent for the purpose of service of process until a statement designating the new agent is filed. The Secretary of State shall charge a fee of $5.00 for the filing of such statement.

Section 9. Service of Process on Corporation. The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain

a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found, then the Secretary of State shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the Secretary of State of any such process, notice, or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice, or demand. In the event any such process, notice or demand is served on the Secretary of State, he shall immediately cause one of the copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any service so had on the Secretary of State shall be returnable in not less than thirty days.

The Secretary of State shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

Section 10. Members. A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the by-laws. If the corporation has no members, that fact shall be set forth in the articles of incorporation or the by-laws. A corporation may issue certificates evidencing membership therein.

The directors, officers, employees and members of the corporation shall not, as such, be liable on its obligations.

Section 11. By-Laws. The initial by-laws of a corporation shall be adopted by its board of directors. The power to alter, amend or repeal the by-laws or adopt new by-laws shall be vested in the board of directors unless otherwise provided in the articles of incorporation or the by-laws. The by-laws may contain any

provisions for the regulation and management of the affairs of a corporation not inconsistent with law or the articles of incorporation.

Section 12. Meetings of Members. Meetings of members may be held at such place, either within or without this state, as may be provided in the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this state.

An annual meeting of the members shall be held at such time as may be provided in the by-laws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Special meetings of the members may be called by the president or by the board of directors. Special meetings of the members may also be called by such other officers or persons or number or proportion of members as may be provided in the articles of incorporation or the by-laws. In the absence of a provision fixing the number or proportion of members entitled to call a meeting, a special meeting of members may be called by members having one-twentieth of the votes entitled to be cast at such meeting.

Section 13. Notice of Members' Meetings. Unless otherwise provided in the articles of incorporation or the by-laws, written notice stating the place, day and hour of meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than thirty-five days before the date of the meeting, either personally or by mail, by or at the direction of the president, or the secretary, or the officers or persons calling the meeting, to each member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

Section 14. Voting. The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation or

the by-laws. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

A member entitled to vote may vote in person or, unless the articles of incorporation or the by-laws otherwise provide, may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members, the by-laws may provide that such elections may be conducted by mail.

The articles of incorporation or the by-laws may provide that in all elections for directors every member entitled to vote shall have the right to cumulate his vote and to give one candidate a number of votes equal to his vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

If a corporation has no members or its members have no right to vote, the directors shall have the sole voting power.

Section 15. Quorum. The by-laws may provide the number or percentage of members entitled to vote represented in person or by proxy, or the number or percentage of votes represented in person or by proxy, which shall constitute a quorum at a meeting of members. In the absence of any such provision, members holding one-tenth of the votes entitled to be cast on the matter to be voted upon represented in person or by proxy shall constitute a quorum. A majority of the votes entitled to be cast on a matter to be voted upon by the members present or represented by proxy at a meeting at which a quorum is present shall be necessary for the adoption thereof unless a greater proportion is required by this Act, the articles of incorporation or the by-laws.

Section 16. Board of Directors. The affairs of a corporation shall be managed by a board of directors. Directors need not be residents of this state or members of the corporation unless the articles of incorporation or the by-laws so require. The

articles of incorporation or the by-laws may prescribe other qualifications for directors.

Section 17. Number and Election of Directors. The number of directors of a corporation shall not be less than three. Subject to such limitation, the number of directors shall be fixed by the by-laws, except as to the number of the first board of directors which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to the by-laws, unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment of the articles of incorporation. No decrease in number shall have the effect of shortening the term of any incumbent director. In the absence of a by-law fixing the number of directors, the number shall be the same as that stated in the articles of incorporation.

The directors constituting the first board of directors shall be named in the articles of incorporation and shall hold office until the first annual election of directors or for such other period as may be specified in the articles of incorporation or the by-laws. Thereafter, directors shall be elected or appointed in the manner and for the terms provided in the articles of incorporation or the by-laws. In the absence of a provision fixing the term of office, the term of office of a director shall be one year, and until his successor is elected and has accepted his election.

Directors may be divided into classes and the terms of office of the several classes need not be uniform. Each director shall hold office for the term which he is elected or appointed and until his successor shall have been elected or appointed and qualified.

A director may be removed from office pursuant to any procedure therefor provided in the articles of incorporation.

Section 18. Vacancies. Any vacancy occurring in the board of directors and any directorship to be filled by reason of an increase in the number of directors may be filled by the affirmative vote of a majority of the remaining directors, though less than a quorum of the board of directors, unless the articles of in-

corporation or the by-laws provide that a vacancy or directorship so created shall be filled in some other manner, in which case such provision shall control.

A director elected or appointed, as the case may be, to fill a vacancy shall be elected or appointed for the unexpired term of his predecessor in office.

Section 19. Quorum of Directors. A majority of number of directors fixed by the by-laws, or in the absence of a by-law fixing the number of directors, then of the number stated in the articles of incorporation, shall constitute a quorum for the transaction of business, unless otherwise provided in the articles of incorporation or the by-laws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by this Act, the articles of incorporation or the by-laws.

Section 20. Committees. If the articles of incorporation or the by-laws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate and appoint one or more committees each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, in the articles of incorporation or in the by-laws of the corporation, shall have and exercise all the authority of the board of directors, except that no such committee shall have the authority of the board of directors in reference to amending, altering or repealing the by-laws; electing, appointing or removing any member of any such committee or any director or officer of the corporation; amending the articles of incorporation, restating articles of incorporation adopting a plan of merger or adopting a plan of consolidation with another corporation; authorizing the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the corporation; authorizing the voluntary dissolution of the corporation or revoking proceedings therefor; adopting a plan for the distribution of the assets of the corporation; or amending, altering or repealing any resolution of the board of directors which by its terms provides that it shall not be amended, altered or repealed by such committee. The designation and appoint-

ment of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any individual director of any responsibility imposed upon it or him by law.

Section 21. Place and Notice of Directors' Meetings. Meetings of the board of directors, regular or special, may be held either within or without this state, and upon such notice as the by-laws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except when a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Section 22. Officers. The officers of a corporation shall consist of a president, one or more vice-presidents, a secretary, a treasurer and such other officers and assistant officers as may be deemed necessary, each of whom shall be elected or appointed at such time and in such manner and for such terms not exceeding three years as may be prescribed in the articles of incorporation or the by-laws. In the absence of any such provision, all officers shall be elected or appointed annually by the board of directors. Any two of the offices of vice-president, secretary, and treasurer may be combined in one person.

The articles of incorporation or the by-laws may provide that any one or more officers of the corporation shall be ex officio members of the board of directors.

The officers of a corporation may be designated by such additional titles as may be provided in the articles of incorporation or the by-laws.

Section 23. Removal of Officers. Any officer elected or appointed may be removed by the persons authorized to elect or appoint such officer whenever in their judgment the best interests of the corporation will be served thereby. The removal of an officer shall be without prejudice to the contract rights,

if any, of the officer so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

Section 24. Books and Records. Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors and committees having any of the authority of the board of directors; and shall keep at its registered office or principal office in this state a record of the names and addresses of its members entitled to vote. All books and records of a corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.

Section 25. Shares of Stock and Dividends Prohibited. A corporation shall not have or issue shares of stock. No dividend shall be paid and no part of the income or profit of a corporation shall be distributed to its members, directors or officers. A corporation may pay compensation in a reasonable amount to its members, directors, or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and upon dissolution or final liquidation may make distributions to its members as permitted by this Act, and no such payment, benefit or distribution shall be deemed to be a dividend or a distribution of income or profit.

Section 26. Loans to Directors and Officers Prohibited. No loans shall be made by a corporation to its directors or officers. Any director or officer who assents to or participates in the making of any such loan shall be liable to the corporation for the amount of such loan until the repayment thereof.

Section 27. Incorporators. One or more persons may incorporate a corporation by signing and delivering articles of incorporation in duplicate to the Secretary of State.

Section 28. Articles of Incorporation. The articles of incorporation shall set forth:

(1) The name of the corporation.

(2) The period of duration, which may be perpetual.

(3) The purpose or purposes for which the corporation is organized..

(4) Any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision for distribution of assets or dissolution or final liquidation.

(5) The address, including street and number, if any, of its registered office in this state, and the name and address, including street and number, if any, of its registered agent, which agent may be an individual or corporation.

(6) The number of directors constituting the initial board of directors, and the names and addresses of the persons who are to serve as the initial directors.

(7) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Act.

Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the by-laws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a by-law, the provision of the articles of incorporation shall be controlling.

Section 29. Filing of Articles of Incorporation. (1) The articles of incorporation in triplicate originals shall be acknowledged by at least one of the incorporators before an officer authorized by the laws of this state to take acknowledgements and the triplicate originals shall be delivered to the Secretary of State. If he finds that the articles of incorporation have been signed and acknowledged according to law, he shall, when all taxes, fees and charges have been paid as required by law, record one original in his office, and issue a certificate of incorporation. There shall be paid to the Secretary of State a fee of three dollars for recording the articles, and a fee of one dollar for issuing a certificate of incorporation.

(2) The certificate of incorporation together with the remaining original articles of incorporation, endorsed with the fact

and time of recording in the office of the Secretary of State, shall be returned to the incorporator or incorporators or his or their representatives. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated, and the other shall be retained by the corporation. The clerk of the county court shall be paid a fee of three dollars for recording said articles.

Section 30. Effect of Issuance of Certificate of Incorporation. Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Act, except as against the state in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

Section 31. Organization Meetings. After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the incorporators, for the purpose of adopting by-laws, electing officers and the transaction of such other business as may come before the meeting. The incorporators calling the meeting shall give at least three days' notice thereof by mail to each director so named, which notice shall state the time and place of the meeting.

A first meeting of the members may be held at the call of the directors, or a majority of them, upon at least three days' notice, for such purposes as shall be stated in the notice of the meeting.

Section 32. Right to Amend Articles of Incorporation. A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as are lawful under this Act.

Section 33. Procedure to Amend Articles of Incorporation. Amendments to the articles of incorporation shall be made in the following manner:

(1) If there are members entitled to vote thereon, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting. Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of meetings of members. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) If there are no members, or no members entitled to vote thereon, an amendment shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Any number of amendments may be submitted and voted upon at any one meeting.

Section 34. Articles of Amendment. The articles of amendment shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary and shall set forth:

(1) The name of the corporation.

(2) The amendment so adopted.

(3) If there are members entitled to vote thereon, (a) a statement setting forth the date of the meeting of members at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

(4) If there are no members, or no members entitled to

vote thereon, a statement of such fact, the date of the meeting of the board of directors at which the amendment was adopted, and a statement of the fact that such amendment received the vote of a majority of the directors in office.

Section 35. Recording of Articles of Amendment. (1) The triplicate originals of the articles of amendment shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of amendment have been duly signed and acknowledged according to law, he shall when all taxes, fees and charges therefor have been paid as required by law, record one original in his office and shall issue a certificate of amendment. Thereupon the amendment shall become effective.

(2) The certificate of amendment together with the remaining original articles of amendment endorsed with the fact and time of recording in the office of the Secretary of State shall be returned to the corporation. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

(3) The Secretary of State and the clerk of the county court shall be paid the same fees for recording articles of amendment as they are paid for recording articles of incorporation, and the Secretary of State shall be paid the same fee for issuing a certificate of amendment as he is paid for issuing a certificate of incorporation.

Section 36. Restated Articles of Incorporation. A domestic corporation may at any time restate its articles of incorporation as theretofore amended, in the following manner:

(1) If there are members entitled to vote theron, the board of directors shall adopt a resolution setting forth the proposed restated articles of incorporation and directing that they be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting.

(2) Written notice setting forth the proposed restated articles or a summary of the provisions thereof shall be given to each

member entitled to vote thereon, within the time and in the manner provided in this Act for the giving of notice of meetings of members. If the meeting be an annual meeting, the proposed restated articles or a summary of the provisions thereof may be included in the notice of such annual meeting.

(3) At such meeting a vote of the members entitled to vote thereon shall be taken on the proposed restated articles, which shall be adopted upon receiving the affirmative vote of a majority of the members entitled to vote thereon present at such meeting or represented by proxy.

(4) If there are no members, or no members entitled to vote thereon, the proposed restated articles shall be adopted at a meeting of the board of directors upon receiving the affirmative vote of a majority of the directors in office.

Upon such approval, restated articles of incorporation shall be executed in triplicate by the corporation by its president or vice-president and by its secretary or assistant secretary and shall set forth:

(1) The name of the corporation.

(2) The period of its duration.

(3) The purpose or purposes which the corporation is authorized to pursue.

(4) Any other provisions, not inconsistent with law, which are then set forth in the articles of incorporation as theretofore amended, except that it shall not be necessary to set forth in the restated articles of incorporation the registered office of the corporation, its registered agent, its directors or its incorporators.

The restated articles of incorporation shall state that they correctly set forth the provisions of the articles of incorporation as theretofore amended, that they have been duly adopted as required by law and that they supersede the original articles of incorporation and all amendments thereto.

Triplicate originals of the restated articles of incorporation shall be delivered to the Secretary of State. If the Secretary of State finds that such restated articles conform to law, he shall, when all fees have been paid as in this Act, prescribed:

(1) Endorse on each of such triplicate originals the word "Filed" and the month, day and year of the filing thereof.

(2) File one of such triplicate originals in his office.

(3) Issue a restated certificate of incorporation to which he shall affix the other duplicate original.

The restated certificate of incorporation, together with the remaining original restated articles of incorporation shall be returned by the Secretary of State to the corporation or its representative. One original shall then be filed with and recorded by the clerk of the county court in the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

The Secretary of State and the clerk of the county court shall be paid the same fees for recording restated articles of incorporation as they are paid for recording articles of incorporation, and the Secretary of State shall be paid the same fee for issuing a restated certificate of incorporation as he is paid for issuing a certificate of incorporation.

Section 37. Procedure for Merger. Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this Act.

Each corporation shall adopt a plan of merger setting forth:

(1) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(2) The terms and conditions of the proposed merger.

(3) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(4) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

Section 38. Procedure for Consolidation. Any two or more domestic corporations may consolidate into a new corporation

pursuant to a plan of consolidation approved in the manner provided in this Act.

Each corporation shall adopt a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(2) The terms and conditions of the proposed consolidation.

(3) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this Act.

(4) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

Section 39. Approval of Merger or Consolidation. A plan of merger or consolidation shall be adopted in the following manner:

(1) If the members of any merging or consolidating corporation are entitled to vote thereon, the board of directors of such corporation shall adopt a resolution approving the proposed plan and directing that it be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting. Written notice setting forth the proposed plan or a summary thereof shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of meetings of members. The proposed plan shall be adopted upon receiving at least two-thirds of the votes which members present at each such meeting or represented by proxy are entitled to cast.

(2) If any merging or consolidating corporation has no members, or no members entitled to vote thereon, a plan of merger or consolidation shall be adopted at a meeting of the board of directors of such corporation upon receiving the vote of a majority of the directors in office.

After such approval, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Section 40. Articles of Merger or Consolidation. Upon such approval, articles of merger or articles of consolidation shall be executed in triplicate by each corporation by its president or a vice-president and by its secretary or an assistant secretary, and shall set forth:

(1) The plan of merger or the plan of consolidation.

(2) If the members of any merging or consolidating corporation are entitled to vote thereon, then as to each such corporation (a) a statement setting forth the date of the meeting of members at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such amendment was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

(3) If any merging or consolidating corporation has no members, or no members entitled to vote thereon, then as to each such corporation a statement of such fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office.

Triplicate originals of the articles of merger or articles of consolidation shall be delivered to the Secretary of State. If the Secretary of State finds that such articles conform to law, he shall:

(1) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such triplicate originals in his office.

(3) Issue a certificate of merger or a certificate of consolidation.

The certificate of merger or certificate of consolidation,

together with the remaining originals of the articles of merger or articles of consolidation, shall be returned to the surviving or new corporation, as the case may be, or its representative. One original shall then be filed with and recorded by the clerk of the county court in the county in which the registered office of the corporation is located, and the other shall be retained by the surviving or new corporation.

The Secretary of State and the clerk of the county court shall be paid the same fees for recording the articles of merger or articles of consolidation as they are paid for recording articles of incorporation, and the Secretary of State shall be paid the same fee for issuing a certificate of merger or certificate of consolidation as he is paid for issuing a certificate of incorporation.

Section 41. Effect of Merger or Consolidation. Upon the issuance of the certificate of merger, or the certificate of consolidation by the Secretary of State, the merger or consolidation shall be effected.

When such merger or consolidation has been effected:

(1) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(2) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(3) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this Act.

(4) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest, of or

belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(5) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(6) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this Act shall be deemed to be the articles of incorporation of the new corporation.

Section 42. Merger or Consolidation of Domestic and Foreign Corporations. One or more domestic corporations, and one or more foreign corporations of the type that may be organized under this Act may be merged into one of such domestic corporations, or consolidated into a new corporation to be formed under this Act, provided that the foreign corporation or corporations are authorized by the laws of the government under which they were formed to effect such merger or consolidation. Each domestic corporation shall comply with the provisions of this Act with respect to the merger or consolidation, as the case may be, of domestic corporations, and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized and of this state.

After approval by the members, or if there be no members entitled to vote thereon, by the board of directors, and at any

time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Section 43. Sale, Lease, Exchange, or Mortgage of Assets. A sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of a corporation may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

(1) If there are members entitled to vote thereon, the board of directors shall adopt a resolution recommending such sale, lease, exchange, mortgage, pledge or other disposition and directing that it be sumitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting. Written notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each member entitled to vote at such meeting, within the time and in the manner provided by this Act for the giving of notice of meetings of members. At such meeting the members may authorize such sale, lease, exchange, mortgage, pledge or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast. After such authorization by a vote of members, the board of directors, nevertheless, in its discretion, may abandon such sale, lease, exchange, mortgage, pledge or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by members.

(2) If there are no members, or no members entitled to vote thereon, a sale, lease, exchange, mortgage, pledge or other

disposition of all, or substantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office.

Section 44. Voluntary Dissolution. A corporation may dissolve and wind up its affairs in the following manner:

(1) If there are members entitled to vote thereon, the board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting. Written notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this Act for the giving of notice of meetings of members. A resolution to dissolve the corporation shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) If there are no members, or no members entitled to vote thereon, the dissolution of the corporation shall be authorized at a meeting of the board of directors upon the adoption of a resolution to dissolve by the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors if there are no members or no members entitled to vote thereon, the corporation shall cease to conduct its affairs except in so far as may be necessary for the winding up thereof, shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the corporation, and shall proceed to collect its assets and apply and distribute them as provided in this Act.

Section 45. Distribution of Assets. The assets of a corporation in the process of dissolution shall be applied and distributed as follows:

(1) All liabilities and obligations of the corporation shall

be paid and discharged, or adequate provision shall be made therefor;

(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred or conveyed in accordance with such requirements;

(3) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution, shall be transferred or conveyed to one or more domestic or foreign corporations, societies, or organizations engaged in activities substantially similar to those of the dissolving corporation, pursuant to a plan of distribution adopted as provided in this Act;

(4) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the by-laws to the extent that the articles of incorporations or by-laws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;

(5) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or nonprofit, as may be specified in a plan of distribution adopted as provided in this Act.

Section 46. Plan of Distribution. A plan providing for the distribution of assets, not inconsistent with the provisions of this Act, may be adopted by a corporation in the process of dissolution and shall be adopted by a corporation for the purpose of authorizing any transfer or conveyance of assets for which this Act requires a plan of distribution, in the following manner:

(1) If there are members entitled to vote thereon, the board of directors shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting. Written notice setting forth the proposed plan of distribution or a summary thereof shall be given to each member entitled to vote at such meeting,

within the time and in the manner provided in this Act for the giving of notice of meetings of members. Such plan of distribution shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) If there are no members, or no members entitled to vote thereon, a plan of distribution shall be adopted at a meeting of the board of directors upon receiving a vote of a majority of the directors in office.

Section 47. Revocation of Voluntary Dissolution Proceedings. A corporation may, at any time prior to the issuance of a certificate of dissolution by the Secretary of State, revoke the action theretofore taken to dissolve the corporation, in the following manner:

(1) If there are members entitled to vote thereon, the board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a meeting of members entitled to vote thereon, which may be either an annual or a special meeting. Written notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this Act for the giving of notice of meetings of members. A resolution to revoke the voluntary dissolution proceedings shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) If there are no members, or no members entitled to vote thereon, a resolution to revoke the voluntary dissolution proceedings shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no

members entitled to vote thereon, the corporation may thereupon again conduct its affairs.

Section 48. Articles of Dissolution. If voluntary dissolution proceedings have not been revoked, then when all debts, liabilities and obligations of the corporation shall have been paid and discharged, or adequate provisions shall have been made therefor, and all of the remaining property and assets of the corporation shall have been transferred, conveyed, or distributed in accordance with the provisions of this Act, articles of dissolution shall be executed in triplicate by the corporation, by its president or a vice-president, and by its secretary or an assistant secretary, which statement shall set forth:

(1) The name of the corporation.

(2) If there are members entitled to vote thereon, (a) a statement setting forth the date of the meeting of members at which the resolution to dissolve was adopted, that a quorum was present at such meeting, and that such resolution received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such resolution was adopted by a consent in writing signed by all members entitled to vote with respect thereto.

(3) If there are no members, or no members entitled to vote thereon, a statement of such fact, the date of the meeting of the board of directors at which the resolution to dissolve was adopted and a statement of the fact that such resolution received the vote of a majority of the directors in office.

(4) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.

(5) A copy of the plan of distribution, if any, as adopted by the corporation, or a statement that no plan was so adopted.

(6) That all the remaining property and assets of the corporation have been transferred, conveyed or distributed in accordance with the provisions of this Act.

(7) That there are no suits pending against the corpora-

tion in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

Section 49. Filing of Articles of Dissolution. Triplicate originals of such articles of dissolution shall be delivered to the Secretary of State. If the Secretary of State finds that such articles of dissolution conform to law, he shall, when all fees have been paid:

(1) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof.

(2) File one of such duplicate originals in his office.

(3) Issue a certificate of dissolution to which he shall affix the other duplicate original.

The certificate of dissolution, together with the remaining originals of the articles of dissolution shall be returned to the representative of the dissolved corporation. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by members, directors and officers as provided by law.

One of the triplicate originals of the articles of dissolution shall be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated.

The Secretary of State shall be paid a fee of $2.00 for recording articles of dissolution and a fee of $1.00 for issuing a certificate of dissolution. The clerk of the county court shall be paid a fee of $2.00 for recording articles of dissolution.

Section 50. Involuntary Dissolution. A corporation may be dissolved involuntarily by a decree of the circuit court in an action filed by the Attorney General when it is established that:

(1) The corporation is guilty of abuse or misuse of its corporate powers, privileges or franchises, or the corporation has become detrimental to the interest and welfare of the Commonwealth of Kentucky or its citizens; or

(2) The corporation procured its articles of incorporation through fraud; or

(3) The corporation has failed for six months to file its annual report as required by Section 64 of this Act; or

(4) The corporation has failed for six months to appoint and maintain a registered agent in this state; or

(5) The corporation has failed for six months after change of its registered agent to file in the office of the Secretary of State a statement of such change.

Section 51. Notification to Attorney General. The Secretary of State, on or before the last day of December of each year, shall certify to the Attorney General the names of all corporations which have given cause for dissolution as provided in this Act, together with the facts pertinent thereto. Whenever the Secretary of State shall certify the name of a corporation to the Attorney General as having given any cause for dissolution, the Secretary of State shall concurrently mail to the corporation at its registered office a notice that such certification has been made. Upon the receipt of such certification, the Attorney General may file an action in the name of the state against such corporation for its dissolution. Every such certificate from the Secretary of State to the Attorney General pertaining to the failure of a corporation to file an annual report shall be taken and received in all courts as prima facie evidence of the facts therein stated. If, before action is filed, the corporation shall file its annual report, or shall appoint or maintain a registered agent as provided in this Act, or shall file with the Secretary of State the required statement of change of registered agent, such fact shall be forthwith certified by the Secretary of State to the Attorney General and he shall not file an action against such corporation for such cause. If, after action is filed, the corporation shall file its annual report, or shall appoint or maintain a registered agent as provided in this Act, or shall file with the Secretary of State the required statement of change of registered agent, and shall pay the costs of such action, the action for such cause shall abate.

Section 52. Venue and Process. Every action for the involuntary dissolution of a corporation shall be commenced by the Attorney General in the circuit court of the county in which the registered office of the corporation is situated.

Summons shall issue and be served as in other civil action. If process is returned not found, the Attorney General shall have the defendant constructively served as provided in CR 4.05, and shall cause publication to be made in some newspaper published in the county where the registered office of the corporation is situated, containing a notice of the pendency of such action, the title of the court, the title of the action, and the date on or after which default may be entered. The Attorney General shall cause a copy of such notice to be mailed, by registered mail, to the corporation at its registered office within ten days after the first publication thereof. The certificate of the Attorney General of the mailing of such notice shall be prima facie evidence thereof. Such notice shall be published at least once each week for two successive weeks, and the first publication thereof may begin at any time after the summons has been returned.

Section 53. Jurisdiction of Court to Liquidate Assets and Affairs of Corporation. Courts of equity shall have full power to liquidate the assets and affairs of a corporation:

(1) In an action by a member or director when it is made to appear:

(a) That the directors are deadlocked in the management of the corporate affairs and that irreparable injury to the corporation is being suffered or is threatened by reason thereof, and either that the members are unable to break the deadlock or there are no members having voting rights; or

(b) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(c) That the members entitled to vote in the election of directors are deadlocked in voting power and have failed for at least two years to elect successors to directors whose terms have expired or would have expired upon the election of their successors;

(d) That the corporate assets are being misapplied or wasted; or

(e) That the corporation is unable to carry out its purposes.

(2) In an action by a creditor:

(a) When the claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied and it is established that the corporation is insolvent; or

(b) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(3) Upon application by a corporation to have its dissolution continued under the supervision of the court.

(4) When an action has been filed by the Attorney General to dissolve a corporation and it is established that liquidation of its affairs should precede the entry of a decree of dissolution.

Proceedings under this section shall be brought in the circuit court in which the registered office or the principal office of the corporation is situated.

It shall not be necessary to make directors or members parties to any such action or proceedings unless relief is sought against them personally.

Section 54. Procedure in Liquidation of Corporation by Court. In proceedings to liquidate the assets and affairs of a corporation the court shall have the power to issue injunctions, to appoint a receiver or receivers pendente lite, with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the affairs of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation. Such liquidating receiver or receivers

shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

The assets of the corporation or the proceeds resulting from a sale, conveyance, or other disposition thereof shall be applied and distributed as follows:

(1) All costs and expenses of the court proceedings and all liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefore;

(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred or conveyed in accordance with such requirements;

(3) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution or liquidation, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation as the court may direct;

(4) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or by the by-laws to the extent that the articles of incorporation or by-laws determine the distributive right of members, or any class or classes of members, or provide for distribution to others;

(5) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or not for profit, specified in the plan of distribution adopted as provided in this Act, or where no plan of distribution has been adopted, as the court may direct.

The court shall have power to allow, from time to time, as expenses of the liquidation compensation to the receiver or receivers and to attorneys in the proceeding, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets.

A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.

Section 55. Qualification of Receivers. A receiver shall in all cases be a citizen of the United States or a corporation for profit authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this state, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

Section 56. Filing of Claims in Liquidation Proceedings. In proceedings to liquidate the assets and affairs of a corporation the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

Section 57. Discontinuance of Liquidation Proceedings. The liquidation of the assets and affairs of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct

the receiver to redeliver to the corporation all its remaining property and assets.

Section 58. Decree of Involuntary Dissolution. In proceedings to liquidate the assets and affairs of a corporation when the costs and expenses of such proceedings and all debts, obligations, and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed in accordance with the provisions of this Act, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts, and obligations, and all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease.

Section 59. Filing of Decree of Dissolution. In case the court shall enter a decree dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed with the Secretary of State. No fee shall be charged by the Secretary of State for the filing thereof.

Section 60. Deposits with State Treasurer. Upon the voluntary or involuntary dissolution of a corporation, the portion of the assets distributable to any person who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, shall be reduced to cash and deposited with the State Treasurer and shall be paid over to such person or to his legal representative upon proof satisfactory to the State Treasurer of this right thereto.

Section 61. Survival of Remedy After Dissolution. The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the Secretary of State, or (2) by a decree of court when the court has not liquidated the assets and affairs of the corporation as provided in this Act, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or members, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon

is commenced within two years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The members, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two years so as to extend its period of duration.

Section 62. Admission of Foreign Corporations. (1) No foreign corporation shall be authorized to do business in this state until it has filed a certified copy of its articles of incorporation and all existing amendments in the office of the Secretary of State. It shall thereafter file a certified copy of subsequent amendments to its articles in the office of the Secretary of State. Such corporations shall pay to the Secretary of State an original filing fee of twenty-five dollars and a recording fee of ten dollars for recording the articles of incorporation and accompanying amendments, and shall pay the same recording fee for recording subsequent amendments.

(2) Every foreign corporation, except foreign insurance companies, carrying on business in this state, shall at all times have an office in this state and an authorized agent in this state upon whom process can be served. A statement, signed by the president or secretary of the corporaion, giving the location and postoffice address of the office and the name and address of the agent, shall be filed with the Secretary of State at the same time the certified copy of the articles of incorporation is filed as provided in subsection (1) of this section. The Secretary of State shall charge a fee of $5.00 for the filing of the statement required herein.

Section 63. Service of Process on Foreign Corporation After Withdrawal From State, or in Case of Unauthorized Doing of Business in State. The provisions of KRS 271.610 shall apply to foreign corporations.

Section 64. Annual Report of Domestic and Foreign Corporations. (1) Every domestic corporation shall, in June of each

year, file with the Secretary of State a statement verifying the correctness of the location and postoffice address of its registered office and the name of its agent designated for the service of process, and pay a fee of two dollars.

(2) Every foreign corporation shall, in June of each year, file a statement of existence with the Secretary of State in such form and containing such information as may be prescribed by him, and pay a fee of four dollars. The statement of existence shall also contain a statement verifying the correctness of the location and postoffice address of the corporation's office and the name of its agent designated for the service of process.

(3) When any change is made in the location and postoffice address of the registered office of a domestic corporation, or of the Kentucky office of a foreign corporation, or in the name or address of the process agent of any corporation, the corporation shall at once file with the Secretary of State a statement of the change. The former agent shall remain agent for the purpose of service of process until a statement designating the new agent is filed.

(4) The Secretary of State shall charge a fee of $5.00 for the filing of each statement mentioned in subsection (3) of this section.

(5) The agent for service of process provided for in this section may be either an individual resident of this state, or a corporation authorized to transact business in this state and authorized by its articles or certificate of incorporation to act as such an agent. Service of process upon a corporate agent, as such agent, may be had by delivering a copy of the process to the president, a vice-president, the secretary, or an assistant secretary of such corporate agent.

Section 65. Greater Voting Requirements. Whenever, with respect to any action to be taken by the members or directors of a corporation, the articles of incorporation or by-laws require the vote or concurrence of a greater proportion of the directors or members or any class of members than required by this Act, the provisions of the articles of incorporation or by-laws shall control.

Section 66. Waiver of Notice. Whenever any notice is required to be given to any member or director of a corporation under the provisions of this Act or under the provisions of the articles of incorporation or by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Section 67. Action by Members or Directors Without a Meeting. Any action required by this Act to be taken at a meeting of the members or directors of a corporation, or any action which may be taken at a meeting of the members or directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof, or all of the directors, as the case may be.

Such consent shall have the same force and effect as a unanimous vote, and may be stated as such in any articles or document filed with the Secretary of State under this Act.

Section 68. Unauthorized Assumption of Corporate Powers. All persons who assume to act as a corporation without authority so to do shall be jointly and severally liable for all debts and liabilities incurred or arising as a result thereof.

Section 69. Limitations on Business and Holding of Real Estate; Escheat Procedure. The provisions of KRS 271.145 shall apply to all corporations and foreign corporations doing business in this state.

Section 70. Repeal of Prior Acts. KRS 273.010 to KRS 273.050, inclusive, KRS 273.090 and KRS 273.160 to KRS 273.290, inclusive, are repealed.

Section 71. Application of Act to Corporations in Existence on June 30, 1968. (1) This Act, so far as it can be made applicable, shall apply to any nonstock, nonprofit corporation in existence on June 30, 1968, which was formed under the general laws of this state relating to religious, educational, charitable, civic, athletic, recreational, and social nonstock, nonprofit cor-

porations, or by special Act, for a purpose or purposes for which a corporation might be formed under this Act.

(2) It shall not be necessary for any such existing corporation to amend its articles to set forth the provisions required by this Act to be set forth in articles of incorporation.

(3) Such existing corporations shall have all the powers enumerated in Section 5 of this Act.

Section 72. Effect of Invalidity of Part of this Act. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this Act so adjudged to be invalid or unconstitutional.

SB 36, AN ACT relating to deceptive trade practices and to make uniform the law with respect thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Article" means a product as distinguished from its trademark, label, or distinctive dress in packaging;

(2) "Certification mark" means a mark used in connection with the goods or services of a person other than the certifier to indicate geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of the goods or services or to indicate that the work or labor on the goods or services was performed by members of a union or other organization;

(3) "Collective mark" means a mark used by members of a cooperative, association, or other collective group or organization to identify goods or services and distinguish them from those of others, or to indicate membership in the collective group or organization;

(4) "Mark" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement;

(5) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;

(6) "Service mark" means a mark used by a person to identify services and to distinguish them from the services of others;

(7) "Trademark" means a mark used by a person to identify goods and to distinguish them from the goods of others;

(8) "Trade name" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement used by a person to identify his business, vocation, or occupation and distinguish it from the business, vocation, or occupation of others.

Section 2. (1) A person engages in a deceptive trade practice when, in the course of his business, vocation, or occupation, he:

(a) passes off goods or services as those of another;

(b) causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(c) causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;

(d) uses deceptive representations or designations of geographic origin in connection with goods or services;

(e) represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;

(f) represents that goods are original or new if they are deteriorated, reclaimed, or secondhand;

(g) represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(h) disparages the goods, services, or business of another by false or misleading representation of fact;

(i) advertises goods or services with intent not to sell them as advertised;

(j) advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(k) makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions; or

(2) In order to prevail in an action under this Act, a complainant need not prove competition between the parties or actual confusion or misunderstanding.

(3) This section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

Section 3. (1) The Attorney General or any person likely to be damaged by a deceptive trade practice of another may be granted an injunction against it under the principles of equity and on terms that the court considers reasonable. Proof of monetary damage, loss of profits, or intent to deceive is not required. Relief granted for the copying of an article shall be limited to the prevention of confusion or misunderstanding as to source.

(2) Costs shall be allowed to the prevailing party unless the court otherwise directs. The court in its discretion may award attorneys' fees to the prevailing party if (a) the party complaining of a deceptive trade practice has brought an action which he knew to be groundless or (b) the party charged with a deceptive trade practice has willfully engaged in the trade practice knowing it to be deceptive.

(3) The relief provided in this section is in addition to

remedies otherwise available against the same conduct under the common law or other statutes of this state.

Section 3A. (1) Any action for an injunction commenced by the Attorney General under this Act may be dismissed by the court at the request of the Attorney General upon the approval by the court of a written assurance, executed by the alleged violator or his attorney of record, that any act or practice deemed to be in violation of this Act, which constitutes the basis for the action will be discontinued. A violation of an assurance of discontinuance constitutes prima facie evidence of violation of this Act.

(2) Any action for an injunction commenced by the Attorney General under this Act shall constitute a bar to a subsequent action for an injunction commenced by a private person unless it appears that damage likely to be suffered by the private person is different from that likely to be suffered by any of an indefinite number of persons in the Commonwealth or that the acts sought to be enjoined are committed or threatened after the action by the Attorney General has been terminated.

Section 4. (1) This Act does not apply to:

(a) conduct in compliance with the orders or rules of, or a statute administered by, a federal, state, or local governmental agency;

(b) publishers, broadcasters, printers, or other persons engaged in the dissemination of information or reproduction of printed or pictorial matters who publish, broadcast, or reproduce material without knowledge of its deceptive character; or

(c) actions or appeals pending on the effective date of this Act.

(2) Paragraphs (b) and (c) of subsection (1) of Section 2 do not apply to the use of a service mark, trademark, certification mark, collective mark, trade name, or other trade identification that was used and not abandoned before the effective date of this Act, if the use was in good faith and is otherwise lawful except for this Act.

Section 5. This Act shall be construed to effectuate its

general purpose to make uniform the law of those states which enact it.

Section 6. This Act may be cited as the Uniform Deceptive Trade Practices Act.

Section 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

The Committee on Judiciary reported **SB 292, SR 63** and **SB 276** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 292, AN ACT relating to newspaper advertisements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 424.120 is amended to read:

(1) Except as provided in subsection (2), whenever an advertisement for a publication area is required by law to be published in a newspaper, the publication must be made in a newspaper that meets the following requirements.

(a) It must be published in the publication area. A newspaper shall be deemed to be published in the area if it maintains a known office in the area for the purpose of gathering news and soliciting advertisements and other general business of newspaper publications, and has a second-class mailing permit issued for that office. A newspaper printed outside of Kentucky shall not be eligible to publish advertisements for any county or publication area within the county, other than for the city in which its main office is located, if there is a newspaper printed in the county that has a substantial general circulation throughout the county and that otherwise meets the requirements of this section; and

(b) It must be of regular issue and have the largest *paid* [bona fide] circulation in the publication area. A newspaper shall be deemed to be of regular issue if it is published regularly, as frequently as once a week, for at least fifty weeks during the calendar year as prescribed by its mailing permit, and has been so published in the area for the immediately preceding one year period. *In counties where there is located more than one newspaper of regular issue and in order to determine the newspaper having the largest circulation, it shall be the obligation of each newspaper to furnish an audit report made by a certified public accountant or recognized circulation authority showing the number of issues regularly printed, price per issue, issues sold, and number of issues given away free.* [A newspaper shall be deemed to be of bona fide circulation in the publication area if it is circulated generally in the area, and maintains a definite price or consideration not less than fifty percent of its published price, and is paid for by not less than fifty percent of those to whom distribution is made]; and

(c) It must bear a title or name, consist of not less than four pages without a cover, and be of a type to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements, and other notices. The news content must be at least twenty-five percent of the total column space in more than one-half of its issues during any twelve-month period.

(2) If, in the case of a publication area smaller than the county in which it is located, there is no newspaper published in the area, the publication shall be made in a newspaper published in the county that is qualified under this section to publish advertisements for the county. If, in any county there is no newspaper meeting the requirements for this section for publishing advertisements for such county, any advertisements required to be published for such county or for any publication area within the county shall be published in a newspaper of the largest bona fide circulation in that county, published in and qualified to publish advertisements for an adjoining county in Kentucky. This subsection is intended to supersede any statute that provides or contemplates that newspaper publication may be

dispensed wtih if there is no newspaper printed or published or of general circulation in the particular publication area.

(3) If a publication area consists of a district, other than a city, which extends into more than one county, the part of the district in each county shall be considered to be a separate publication area for the purposes of this section, and an advertisement for each such separate publication area shall be published in a newspaper qualified under this section to publish advertisements for such area.

SR 63, A CONCURRENT RESOLUTION designating May 1 of each year as Law Day in Kentucky.

WHEREAS, Law Day USA was established as a permanent national observance by the 87th Congress of the United States as a special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life; and

WHEREAS, it is fitting that Kentuckians participate fully in this national observance and broaden its themes by rededicating themselves in loyalty to the ideals of this Commonwealth and their communities;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the first day of May of the years 1968 and 1969 are designated as Law Day in Kentucky.

Section 2. That the Superintendent of Public Instruction is requested to join with the Attorney General and the Kentucky State Bar Association in helping local school authorities to plan appropriate observances.

Section 3. That the Governor is requested to issue a proclamation calling upon all public officials to display the flags of the United States and the Commonwealth on all public build-

ings on that day and requesting the people of Kentucky to observe Law Day with suitable ceremonies in schools, churches, bar associations, service organizations, and all other public bodies and private associations.

SB 276, AN ACT relating to land trusts transferring interests in real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Every conveyance, deed, mortgage, lease assignment or other instrument heretofore or hereafter made, hereinafter referred to as the recorded instrument, transferring any interests in real property in this state including but not limited to leasehold and mortgagee interests to any person, corporation, bank, or trust company, qualified to act as a fiduciary in this State, in which said recorded instrument said person, corporation, bank or trust company is designated trustee, or, as trustee, without therein naming the beneficiaries of such trust, whether or not reference is made in said recorded instrument to any separate collateral unrecorded declarations or agreements, shall be effective to vest and is hereby declared to have vested in such trustee full rights of ownership over said real property or interest therein, with full power and authority as granted and provided in said recorded instrument to deal in and with said property or interest therein or any part thereof; provided, said recorded instrument shall confer on the trustee the power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described in said recorded instruments.

Section 2. Any grantee, mortgagee, lessee, transferee, assignee, or person obtaining satisfactions, releases, or otherwise in any way dealing with the trustee with respect to said real properties held in trust under said recorded instrument, as hereinabove provided for, shall not be obligated to inquire into the identification or status of any named or unnamed beneficiaries, or their heirs or assigns to whom a trustee may be accountable under the terms of said recorded instrument, or under unrecorded separate declarations or agreements collateral to said recorded

instruments whether or not such declarations or agreements are referred to therein, nor to inquire into or ascertain the authority of such trustee to act within and exercise the powers granted under said recorded instrument, nor to inquire into the adequacy or disposition of any consideration, if any is paid or delivered to such trustee in connection with any interest so acquired from such trustee, nor to inquire into any of the provisions of any said unrecorded declarations or agreements.

Section 3. All persons dealing with the trustee under said recorded instrument as hereinabove provided shall take any interest transferred by the trustee thereunder within the power and authority as granted and provided therein, free and clear of the claims of all the named or unnamed beneficiaries of such trust, and of any unrecorded declarations or agreements collateral thereto whether referred to in said recorded instrument or not, and of anyone claiming by, through or under said beneficiaries, including and without limiting the foregoing to any claim arising out of any dower or courtesy interest of the spouse of any beneficiary thereof; provided, nothing herein contained shall prevent a beneficiary of any said unrecorded collateral declarations or agreements from enforcing the terms thereof against the trustee.

Section 4. In all cases where said recorded instrument, as hereinabove provided, contains a provision defining and declaring the interests of beneficiaries thereunder to be personal property, only, such provision shall be controlling for all purposes where such determination shall become an issue under the laws or in the courts of this state.

Section 5. This act is remedial in nature and shall be given a liberal interpretation to effectuate the intent and purposes hereinabove expressed.

Representative Hardin moved that the House adjourn until 11:00 a.m., Thursday, March 14, 1968.

On the roll call the vote was yeas 25—Ball, Blythe, Bowles, Carroll, DeMarcus, Hampton, Hardin, Hoffman, Hunt, Irick, James, Keene, Lassiter, McBrayer, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Ray, Russell Reynolds, Rickert, Stuart, Tobin, Webster, Wheeler. Nays 1—J. A. Davis.

The motion to adjourn was adopted.

THURSDAY, MARCH 14, 1968
FIFTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend W. Robert Insko of the Church of the Ascension, Frankfort.

The roll was called. All present except Representatives Alexander, Johnson, and Saylor.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of March 13, 1968, be dispensed with and the same approved. Agreed.

Calendar

SB 354, SB 413, SB 139, SB 405, SR 52, SB 152, SB 268, SB 302, SB 379, SB 308, HB 57, HB 77, HB 270, SB 299, SB 300, SR 46, SR 57, SB 293, SB 388, SB 363, SB 208, SB 2, SB 315, SB 383, SB 112, SB 375, SB 361, SB 245, SB 137, SB 274, SB 340, SB 247, SB 264, SB 29, SB 329, SB 373, SB 342, SB 403, SB 404, SB 406, SB 412, SB 182, SB 311, SB 306, SB 242, SB 254, SB 36, SB 292, SR 63 and **SB 276** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Report of Committees

The Committee on Rules reported **SR 17, SR 51, SR 53, SR 61, SB 288, SB 345, SB 114, SB 148, SB 116, SB 105, SB 115, SB 275, SB 70, SB 365, SB 55, SB 333, SB 326, SB 322, SB 321, SB 316, SB 45, SB 117, SB 118, SB 122, SB 169, SB 171, SB 173, SB 176, SB 177, SB 191, SB 197, SB 218, SB 252, SB 271, SB 286, SB 290, SB 301, SB 312, SB 372** and **SB 392** with the expression of opinion that the same should pass.

Representative Mitchell moved the adoption of the Governor's Mansion Committee Report. Agreed.

The Governor's Mansion Commitee Report is as follows:

REPORT OF MANSION COMMITTEE

The Mansion Committee heretofore appointed by the Lieutenant Governor and Speaker of the House met and made inspection tours of the Governor's Mansion and Lieutenant Governor's Mansion on Monday, March 11, 1968.

The Committee found, and respectfully reports that, the Governor's Mansion is in immediate and urgent need of extensive repairs, alterations and redecoration including, but not limited to:

(1) A rearrangement and relocation of the State Police quarters and the laundry facilities in the basement.

(2) The repair of floors and wall cracks as well as the complete redecorating and carpeting of the main floor.

(3) Alterations and redecorating of the living quarters on the upper floors.

The Committee also reports that the Lieutenant Governor's Mansion requires immediate additions, alterations and redecoration including, but not limited to:

(1) New and larger laundry equipment.

(2) Renovation and alteration of the basement play room area.

(3) Enlargement of the kitchen with the addition and replacement of kitchen facilities.

(4) Addition of outside patio, and play area.

(5) The complete redecoration of main floor with new carpeting, paint, paper and draperies.

(6) Addition of bath adjacent to master bedroom.

(7) Redecoration of the bedrooms and baths on upper floors.

(8) Provision of proper fire escapes for upper floors.

The foregoing information is submitted to the statutory committee appointed pursuant to KRS 11.025 as this Committee's recommendations. The said permanent committee is urged to give its prompt attention to the Mansions and to implement all or

so much of the described work as will maintain the residences of our highest officers in a manner of which all the people of Kentucky can be proud.

This Committee would also recommend that thought and study be given to the possibility of converting the Berry Hill Library Building into living quarters for the Governor.

This Committee also recommends that the Division of Engineering in the Department of Finance make an immediate inspection of the Governor's Mansion as to a weakness in the flooring and other structural portions thereof.

We further recommend that the Commissioner of Finance forthwith carry out all of these suggestions and any others which the Statutory Committee may make.

Respectfully submitted this March 14, 1968,

Lawrence W. Wetherby Senate	M. B. Denham House
Charles B. Upton Senate	T. C. Simmons House
Pat McCuiston Senate	Ralph Mitchell House

Orders of the Day

SB 129, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clapp moved the adoption of the Committee Amendment to **SB 129.** Agreed.

Representative Riddle moved that **SB 129** as amended be laid on the table.

On the roll call the vote was yeas 27—Akers, Baker, Cox, Cruse, Curlin, James A. Davis, DeMarcus, Denham, Floyd,

Hinkle, Hopkins, Jones, Keene, May, McBrayer, McNamara, Robert L. Miller, Pettit, Prather, Russell Reynolds, Rickert, Riddle, Russell, Stuart, Tobin, White, Wooley. Nays 12—Ballenger, Bleemel, Bowles, Brown, Greer, Hardin, Henry, Hunt, James, Maddox, Ray, W. J. Reynolds.

SB 129 was tabled.

SB 79 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73—Akers, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Maddox, Massey, May, McBrayer, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 1—Rickert.

SB 79 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 79** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SR 31 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

SR 31 was adopted.

SB 12 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75—Akers, Allen, Arnett, Baker, Ballenger, Bamberger, Bleemel, Blume, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Maddox, Massey, May, McBrayer, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Wheeler, White, Wolchik, Wright. Nays 1—Wooley.

SB 12 was passed and the title agreed to.

SB 180 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73—Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Maddox, Massey, May, McBrayer, McCallum, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 0.

SB 180 was passed and the title agreed to.

SB 86 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68—Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis,

Denham, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Maddox, Massey, May, McBrayer, McCallum, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Walters, Wheeler, Wolchik, Wooley, Wright. Nays 1—Akers.

SB 86 was passed and the title agreed to.

SB 225, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curlin moved the adoption of the Committee Amendment to **SB 225.** Agreed.

On the roll call the vote was yeas 65—Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clark, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Isler, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, May, McBrayer, McCallum, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Siemens, Tobin, Vanover, Webster, Wheeler, White, Wolchik, Wooley, Wright. Nays 3—Clapp, Walters, Wesley.

SB 225 as amended was passed and the title agreed to.

SB 41 taken from Orders of the Day and ordered read at length for the third time. Representative W. J. Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hol-

brook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, May, McCallum, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wheeler, White, Wolchik, Wright. Nays 7—Blythe, Denham, King, McBrayer, Pettit, Wesley, Wooley.

SB 41 was passed and the title agreed to.

SB 101 taken from Orders of the Day and ordered read at length for the third time. Representative W. J. Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77—Akers, Alexander, Baker, Ballenger, Blandford, Bleemel, Blume, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, May, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

SB 101 was passed and the title agreed to.

SB 207 taken from Orders of the Day and ordered read at length for the third time. Representative W. J. Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riddle moved the adoption of the following Amendment to **SB 207:**

Amend printed copy of Senate Bill 207 on page 2, by:

inserting after line 21 the following: "(5) The provisions of KRS 78.530(2) shall not apply to this Act to the extent that KRS 78.530(2) may be in conflict with this Act."

Agreed.

On the roll call the vote was yeas 80—Akers, Alexander, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Stuart, Tobin, Vanover, Walters, Webster, Wheeler, White, Wooley, Wright. Nays 0.

SB 207 as amended was passed and the title agreed to.

SB 14 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74—Akers, Alexander, Arnett, Baker, Ballenger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Siemens, Smith, Vanover, Wells, White, Wooley. Nays 0.

SB 14 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 14** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 31 taken from Orders of the Day and ordered read at length for the third time. Representative W. J. Reynolds moved

that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved the adoption of the following Amendment No. 1 to **SB 31**:

Amend printed copy of Senate Bill 31 on page 3, line 22, by:

adding a new section to read:

"Section 6. This Act shall not apply to liquefied petroleum gas heaters subject to the jurisdiction of the Department of Public Safety under KRS 234."

Representative Walters moved that **SB 31** be laid on the Clerk's desk.

On the roll call the vote was yeas 10—Alexander, Bruce, Hinkle, King, McNamara, Ray, Rickert, Walters, Wooley. Nays 54—Allen, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Cruse, J. A. Davis, Denham, Greer, Halleck, Harper, Henry, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Keene, Keith, Lankford, Lawson, Louden, May, McCallum, Mershon, R. L. Miller, Mitchell, Peace, Prather, Rattliff, R. Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wright.

The motion that **SB 31** be laid on the Clerk's Desk was rejected.

Representative Curlin moved that the House recess until 2:00 p.m.

On the roll call the vote was yeas 18—Akers, Alexander, Bruce, Clapp, Clark, Curlin, Greer, Henry, Hinkle, Huff, Jones, Keith, King, McNamara, Melton, Russell, Siemens, Wells. Nays 47—Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Cox, Cruse, W. F. Davis, DeMarcus, Denham, Floyd, Halleck, Hardin, Harper, Hoffman, Hopkins, Irick, Isler, James, Lankford, Lawson, Louden, May, McCallum, McKinney, Mershon, C. R. Miller, R. L. Miller, Mitchell, Rattliff, R. Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Simmons, Stuart, Walters, Webster, Wesley, White, Wolchik, Wooley, Wright.

The motion that the House recess was rejected.

Amendment to **SB 31** was adopted. The vote was 73 yeas and 0 nays.

On the roll call the vote was yeas 76—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clapp, Clark, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, May, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wooley, Wright. Nays 2—Ray, Walters.

SB 31 as amended was passed and the title agreed to.

Representative Ballenger moved that the vote by which **SB 31** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Curlin moved that the House recess until 2:00 p.m. Agreed.

The Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 398, HB 33, HB 53** with Amendment, **HB 121, HB 285, HB 286, HB 299, HB 398, HB 399, HB 294** with Amendment, **HB 400, HB 515,** and **HB 591.**

Report on Enrolled Bills

The Committee on Enrollment reported **HR 91, HR 10** and **HB 334** had been examined and found correctly enrolled. **HR 91,**

HR 10 and **HB 334** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (Cont.)

SB 344 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 70—Akers, Alexander, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Carroll, Clapp, Cox, Cruse, Curlin, James A. Davis, Dawhare, Denham, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, James, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McGill, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Siemens, Stuart, Tobin, Vanover, Walters, Webster, White, Wooley. Nays 0.

SB 344 was passed and the title agreed to.

SB 113 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Akers, Alexander, Arnett, Baker, Ballenger, Blandford, Bleemel, Blythe, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Siemens, Simmons, Smith, Stuart, Vanover, Walters, Webster, White, Wooley. Nays 0.

SB 113 was passed and the titled agreed to.

Representative Morgan moved that the House concur in the following Senate amendment to **HB 294**:

Amend printed copy of House Bill 294 on page 2, line 11, by:

inserting after the words *"installation of"* the words *"at least one"*

and on page 2, line 12, by amending the word *"stands"* to read *"stand"*

Agreed.

Representative Morgan moved that **HB 294** as amended be placed upon its passage.

On the roll call the vote was yeas 65—Akers, Alexander, Arnett, Ballenger, Blandford, Bleemel, Blume, Blythe, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Waletr F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Saylor, Schmidt, Simmons, Vanover, Webster, Wolchik, Wooley, Wright. Nays 0.

HB 294 as amended was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 53:**

Amend printed copy of House Bill 53 on page 1, line 3, by:

inserting after the word "class" the following words: "except a city of the fourth, fifth or sixth class in a county containing a first class city".

Agreed.

Representative Morgan moved that **HB 53** as amended be placed upon its passage.

On the roll call the vote was yeas 61—Akers, Alexander, Ballenger, Bleemel, Blume, Blythe, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Greer, Halleck, Hampton, Harper,

Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, May, McCallum, McGill, Mershon, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Webster, White, Wolchik, Wooley, Wright. Nays 0.

HB 53 as amended was passed and the title agreed to.

SB 192 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Vanover, Webster, White, Wolchik, Wooley, Wright. Nays 0.

SB 192 was passed and the title agreed to.

SB 157 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73—Akers, Alexander, Arnett, Baker, Ballenger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, King,

Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Saylor, Siemens, Simmons, Smith, Vanover, Walters, Webster, White, Wolchik, Wooley. Nays 1—Hardin.

SB 157 was passed and the title agreed to.

Senate Message

Announcing passage of **HB 102, HB 128, HB 181, HB 205, HB 317, HB 337, HB 339** and **HB 343.**

SR 39 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

SR 39 was adopted.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions

The Committee on Committees referred the following Bill:

Public Utilities and Transportation: **SB 398.**

Orders of the Day (Cont.)

SB 249 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74—Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Bruce, Clapp, Clark, Coffey, Cox, James A. Davis, Walter F. Davis, Dawhare, Greer, Hampton, Harper, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene,

Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wheeler, White, Wooley. Nays 3—Akers, James, Murphy.

SB 249 was passed and the title agreed to.

SB 96 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Cox, Cruse, Walter F. Davis, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Russell Reynolds, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Walters, White, Wolchik, Wooley. Nays 6—Clark, Jones, King, Melton, Prather, Rickert.

SB 96 was passed and the title agreed to.

SB 250 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Alexander, Baker, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones, Keene, Keith, Kessinger, King, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds,

Richey, Rickert, Sartin, Saylor, Siemens, Simmons, Smith, Stuart, Vanover, Walters, Webster, Wells, White, Wolchik, Wooley. Nays 0.

SB 250 was passed and the title agreed to.

SB 284 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 57—Akers, Alexander, Arnett, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bruce, Coffey, Cox, Walter F. Davis, Dawhare, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Jones, Justice, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McGill, McKinney, Mershon, Clarence R. Miller, Mitchell, Murphy, Peace, Prather, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Vanover, Webster, White, Wolchik, Wooley. Nays 6—Blythe, J. A. Davis, Hardin, Kessinger, R. L. Miller, Rickert.

SB 284 was passed and the title agreed to.

SB 164, with Committee Amendment attached thereto, taken from the Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of the Committee Amendment to **SB 164.**

On the roll call the vote was yeas 25—Alexander, Blandford, Bleemel, Blume, Bruce, Cruse, Harper, Holbrook, Huff, Isler, Jones, Keith, Kessinger, King, Lawson, Mershon, Robert L. Miller, Morgan, W. J. Reynolds, Riddle, Sartin, Schmidt, Tobin, Webster, Wolchik. Nays 14—Baker, Ballenger, Blythe, Clark, Hinkle, Johnson, Keene, May, Pettit, Prather, Rickert, Russell, Wesley, Wooley.

Committee Amendment to **SB 164** was adopted.

On the roll call the vote was yeas 47—Akers, Alexander, Arnett, Baker, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Floyd, Hampton, Harper, Henry, Hinkle, Holbrook, Huff, Irick, Isler, Jones, Justice, Keith, Kessinger, Kidd, King, Lassiter, Lawson, McCallum, McGill, Mershon, Morgan, Murphy, Ray, W. J. Reynolds, Riddle, Sartin, Saylor, Schmidt, Tobin, Vanover, Webster, Wheeler, Wolchik, Wooley. Nays 1—Wesley.

SB 164 as amended was passed and the title agreed to.

Representative King moved that the vote by which **SB 164** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **HB 50, HB 70, HB 99, HB 107, HB 213, SB 101** was returned with letter.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 591, SB 86, SB 79, SB 12, SB 225, SB 31, SB 41** and **SB 180** had been examined and found correctly enrolled. **HB 591, SB 86, SB 79, SB 12, SB 225, SB 31, SB 41** and **SB 180** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (Cont.)

Representative Murphy moved that the Rules be suspended to reconsider the vote by which **SB 101** was passed. Agreed.

Representative Morgan moved that **SB 101** be reconsidered after its return from the Senate. Agreed.

Representative Murphy moved the adoption of the following Amendment to **SB 101**:

Amend printed copy of Senate Bill 101 on page 1, line 11, by: adding a new section to read:

"Section 2. For the purposes of this Act, there is hereby

appropriated to the Department of Public Safety out of the General Expenditure Fund in the State Treasury, the sum of thirty thousand dollars for the fiscal year 1968-69, and a like amount for the fiscal year 1969-70."

Agreed.

On the roll call the vote was yeas 68—Akers, Alexander, Arnett, Blandford, Bleemel, Blume, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Hinkle, Hoe, Hoffman, Holbrook, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lassiter, Lawson, Maddox, May, McBrayer, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Tobin, Walters, Webster, Wheeler, White, Wooley. Nays 2—Blythe, DeMarcus.

SB 101 as amended was passed and the title agreed to.

SB 349 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69—Akers, Alexander, Arnett, Baker, Ballenger, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Floyd, Greer, Hampton, Harper, Henry, Hinkle, Hoe, Holbrook, Huff, Hunt, Isler, Jones, Keene, Keith, Kessinger, Kidd, King, Lassiter, Louden, Massey, May, McBrayer, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 1—James.

SB 349 was passed and the title agreed to.

SB 46 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74—Akers, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Keith, Kidd, King, Lankford, Lassiter, Lawson, Maddox, Massey, May, McBrayer, McCallum, McGill, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wooley. Nays 5—Alexander, Clapp, Huff, Peace, Riddle.

SB 46 was passed and the title agreed to.

SB 125 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hoe moved the adoption of the following Amendment to **SB 125:**

Amend printed copy of Senate Bill 125 on page 3, line 13, by striking the word *"may"* and substituting therefor the word *"shall"*

and on line 14, by striking the words *"without the necessity of"* and substituting therefor the word *"by"*, and on lines 19 and 20 by deleting the words *"without the necessity for such advertisement or competitive bidding;"*

and on line 21, by striking the word *"may"* and substituting therefor the word *"shall"*

and on line 21, by inserting after the word *"is"* the word *"not"*

and on line 21, by striking the words *"or obligated"*

and on line 22, 23 and 24, by placing a period after the word *"thereof"* and striking all subsequent words.

On the roll call the vote was yeas 50—Akers, Alexander, Arnett, Baker, Bamberger, Bleemel, Bruce, Clapp, Coffey, Walter F. Davis, Denham, Hampton, Hardin, Harper, Henry, Hinkle,

Hoe, Huff, Hunt, Isler, James, Jones, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Maddox, McCallum, Robert L. Miller, Morgan, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wesley, White, Wooley. Nays 11—Ballenger, Blythe, Bowles, Cox, Cruse, Hoffman, Keene, Kidd, Peace, Smith, Wright.

The Amendment to **SB 125** was adopted.

On the roll call the vote was yeas 53—Akers, Arnett, Baker, Ballenger, Bamberger, Blume, Blythe, Bowles, Brown, Bruce, Clark, Coffey, Cruse, Denham, Floyd, Greer, Hardin, Hinkle, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Massey, McCallum, McGill, Melton, Robert L. Miller, Morgan, Peace, Pettit, Rattliff, Ray, Riddle, Russell, Sartin, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Wells, Wolchik, Wright. Nays 10—Alexander, Cox, Hampton, Henry, Hoe, Hoffman, Holbrook, James, W. J. Reynolds, Webster.

SB 125 as amended was passed and the title agreed to.

SB 163 taken from Orders of he Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Sartin moved that **SB 163** be laid on the table.

On the roll call the vote was yeas 28—Akers, Baker, Ball, Ballenger, Bamberger, Bowles, Brown, Clapp, Clark, DeMarcus, Floyd, Hoe, Huff, Jones, Kidd, King, Lawson, May, McNamara, Robert L. Miller, Peace, Prather, Rickert, Russell, Sartin, Saylor, Smith, Wesley. Nays 37—Arnett, Blandford, Bleemel, Blume, Coffey, Cox, Cruse, Curlin, J. A. Davis, Hardin, Harper, Hinkle, Hoffman, Hopkins, Isler, Johnson, Keene, Keith, Kessinger, Lankford, Louden, Massey, McCallum, C. R. Miller, Pettit, R. Reynolds, W. J. Reynolds, Richey, Riddle, Schmidt, Stuart, Tobin, Vanover, Walters, Wells, Wooley, Wright.

The motion that **SB 163** be laid on the table was rejected.

On the roll call the vote was yeas 46—Arnett, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bruce, Cox, Cruse, Walter F. Davis, Dawhare, DeMarcus, Greer, Hampton, Hardin, Harper, Hinkle, Hoffman, Hopkins, Irick, Isler, Johnson, Keene, Keith, Kessinger, Lassiter, Louden, Massey, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, Richey, Riddle, Schmidt, Stuart, Tobin, Walters, Webster, Wells, Wooley, Wright. Nays 39—Akers, Alexander, Allen, Baker, Blandford, Bowles, Brown, Clapp, Clark, Floyd, Henry, Hoe, Holbrook, Huff, James, Jones, Kidd, King, Lankford, Lawson, Maddox, May, Melton, R. L. Miller, Peace, Prather, R. Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Siemens, Simmons, Smith, Vanover, Wesley, White, Wolchik.

SB 163 was passed and the title agreed to.

Representative Walters moved that the vote by which **SB 163** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **HB 147** with Amendment, **HR 82, HB 204, HB 499, HB 537, HB 541** and **HB 580.**

Representative Morgan moved that the Rules be suspended for Introduction of a Resolution. Agreed.

Introduction of Bills and Resolutions

HR 112, by Representatives DeMarcus, Hunt, McBrayer, Hoffman, Wright, Vanover, Simmons, W. F. Davis, Lawson, Melton, Hinkle, McCallum and Stuart: A RESOLUTION requesting the establishment of a Task-Force to study the financial resources and future needs of the public and private higher education in Kentucky.

WHEREAS, there is a great deal of public and professional concern pertaining to the financial adequacy of Kentucky to meet future necessary developments in higher education; and

WHEREAS, there is a great deal of public and professional

concern over the proper use and distribution of state and private funds for higher education throughout the Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor shall be authorized and directed to appoint a ten-member Task-Force to be known as the Governor's Task-Force on Higher Education Resources in Kentucky.

Section 2. The Governor shall appoint citizens to this Task-Force interested in higher education in Kentucky and representing the entire state, geographically. Such citizens shall not be trustees of state universities of public higher education or members of the Council on Public Higher Education.

Section 3. The Governor shall appoint an Executive Secretary to coordinate the efforts of the Task-Force with the Governor; the various state agencies; educational institutions and the Council on Public Higher Education.

Section 4. The Task-Force members and the Executive Secretary shall serve without compensation except for reimbursement for necessary expenses.

Section 5. The study shall include, but not be limited to: the adequacy of state financial resources and the relationship of available and future projected resources to the current costs and projected future costs of higher education in the Commonwealth; the total financial resources of higher education in Kentucky for future educational demands, development, and costs; the relation between projected student population and financial demands arising therefrom; systems for geographical allocation of educational resources to achieve maximum efficiency; the present and future adequacy and resources of private higher education in the Commonwealth.

Section 6. The Task-Force shall employ the necessary professional consultants and/or firms to carry out its basic objectives.

Section 7. The Council on Public Higher Education, the

various state agencies and educational institutions shall provide the Task-Force with necessary professional staff and consultants upon request.

Section 8. The Governor is hereby authorized and directed to appropriate by Executive Order the sum of Fifty thousand dollars to pay for consultants, staff, and administrative costs necessary and proper to the making of the study. That sum shall come from funds realized by increased out-of-state tuition fees at the various state colleges and universities prescribed by the Council on Public Higher Education in Kentucky at its meeting of February 26, 1968. Said fees shall be prorated among the various state universities and colleges.

Section 9. The study shall be completed and forwarded to the Governor and the members of the General Assembly no later than January 1, 1970, or upon completion of its studies, whichever is sooner.

Section 10. The Task-Force shall be terminated as of January 1, 1970, or upon completion of its studies.

Representative DeMarcus moved the adoption of **HR 112.**

Representative Lassiter moved that **HR 112** be laid on the table.

On the roll call the vote was yeas 37—Allen, Arnett, Blandford, Blume, Brown, Clapp, Cox, Dawhare, Denham, Hampton, Henry, Hoffman, Holbrook, Hopkins, Irick, Isler, Jones, Justice, Keene, Kidd, King, Lassiter, Maddox, May, McNamara, Melton, Mershon, Mitchell, Murphy, Pettit, Prather, Ray, Russell Reynolds, Saylor, Siemens, Smith, Tobin, Walters. Nays 35—Akers, Blythe, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Hinkle, Hoe, Huff, James, Johnson, Keith, Lankford, Lawson, Melton, R. L. Miller, Peace, Rattliff, W. J. Reynolds, Sartin, Schmidt, Simmons, Stuart, Vanover, Wells, Wesley, Wheeler, White, Wolchik, Wright.

HR 112 was tabled.

Senate Message

Announcing passage of **HB 333, HB 342** and **HB 494.**

Orders of the Day (Cont.)

SB 232 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78—Akers, Alexander, Allen, Arnett, Ballenger, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, Clarence R. Miller, Robert L. Miller, Morgan, Peace, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 2—Baker, Rickert.

SB 232 was passed and the title agreed to.

SB 233 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wesley moved that **SB 233** be laid on the table.

On the roll call the vote was yeas 22—Baker, Ball, Bamberger, Clark, Greer, Hoffman, Hunt, James, Johnson, Jones, Keene, Keith, King, Lawson, Mitchell, Peace, Prather, Rattliff, Rickert, Sartin, Wesley, Wooley. Nays 44—Allen, Ballenger, Bleemel, Blume, Blythe, Bruce, Clapp, Cox, Cruse, W. F. Davis, Denham, Floyd, Halleck, Hardin, Harper, Hinkle, Holbrook, Hopkins, Huff, Irick, Isler, Justice, Kessinger, Kidd, Lankford, Lassiter, Louden, Maddox, May, McCallum, R. L. Miller, Morgan, Ray, Richey, Riddle, Saylor, Siemens, Simmons, Tobin, Vanover, Webster, Wells, Wheeler, Wright.

The motion that **SB 233** be laid on the table was defeated.

On the roll call the vote was yeas 56—Alexander, Allen, Arnett, Ballenger, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Irick, Isler, Jones, Justice, Kessinger, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McCallum, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Ray, Richey, Riddle, Saylor, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, Wolchik, Wright. Nays 19—Baker, Greer, Hoffman, Huff, James, Johnson, Keith, Lawson, Mitchell, Peace, Pettit, Prather, Rattliff, W. J. Reynolds, Rickert, Russell, Sartin, Wesley, Wooley.

SB 233 was passed and the title agreed to.

SB 314 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

SB 314 was passed and the title agreed to.

SB 124 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67—Akers, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Floyd,

Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, W. J. Reynolds, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Walters, Webster, Wesley, Wheeler, White, Wright. Nays 0.

SB 124 was passed and the title agreed to.

SB 288, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the Committee Substitute to **SB 288.** Agreed.

On the roll call the vote was yeas 66—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, May, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Peace, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Vanover, Walters, Webster, Wells, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 3 —Curlin, Hoffman, Massey.

SB 288 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 288** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 195 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clapp, Coffey, Cox, Cruse,

Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Louden, Maddox, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Murphy, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

SB 195 was passed and the title agreed to.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 70, HB 342, HB 494, HB 205, HB 343, HB 299, HB 515, HB 285, HB 398, HB 286, HB 333, HB 317, HB 107, HB 213, HB 102, HB 50, HB 121, HB 33, HB 53** and **HB 294** had been examined and found correctly enrolled. **HB 70, HB 342, HB 494, HB 205, HB 343, HB 299, HB 515, HB 285, HB 398, HB 286, HB 333, HB 317, HB 107, HB 213, HB 102, HB 50, HB 121, HB 33, HB 53,** and **HB 294** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 49, HB 210, HB 358, HR 91, HR 10, HB 334, HB 591, HB 70, HB 342, HB 494, HB 205, HB 343, HB 299, HB 515, HB 285, HB 398, HB 286, HB 333, HB 317, HB 107, HB 213, HB 102, HB 50, HB 121, HB 33, HB 53 and **HB 294** delivered, signed by President. Ordered delivered to the Governor.

Recess

Representative Isler moved that the House recess until 7:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (Cont.)

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 147:**

Amend printed copy of House Bill 147 on page 1, lines 4 and 5, by:

deleting "to the commencement of his professional education and training in that healing art," and inserting in lieu thereof "to being licensed by the respective state agency that"

Agreed.

Representative Morgan moved that **HB 147** as amended be placed upon its passage.

On the roll call the vote was yeas 50—Arnett, Baker, Ball, Bleemel, Blythe, Bowles, Bruce, Carroll, Curlin, James A. Davis, Floyd, Halleck, Hampton, Hinkle, Hoffman, Hopkins, Hunt, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, King, Lassiter, Lawson, Louden, Maddox, McCallum, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Simmons, Tobin, Vanover, Wells, Wheeler, White, Wooley, Wright. Nays 0.

HB 147 as amended was passed and the title agreed to.

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Public Utilities and Transportation reported **SB 398** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 398, AN ACT relating to city and suburban bus and taxicab companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 138.662 is amended to read as follows:

(1) City and suburban bus companies *and taxicab companies* operating under a certificate of convenience and necessity issued pursuant to KRS Chapter 281 shall be entitled to a refund of five-sevenths of the amount of KRS Chapter 138 taxes paid on

motor fuels used in their regularly scheduled operations in Kentucky.

(2) No person shall be entitled to a refund hereunder unless he shall have first filed with the Department of Revenue a bond issued by a surety company authorized to do business in Kentucky in an amount of not less than one thousand dollars nor more than five thousand dollars to be determined by the Department of Revenue, conditioned upon faithful compliance with this section and upon the payment to the Commonwealth of any refunds to which he was not entitled.

(3) Applications for refund shall on or before the last day of each month following the quarter, September 30, December 31, March 31, and June 30, be made to the Department of Revenue on forms and in the manner prescribed by it for the refund of tax paid on motor fuel used by buses *or taxicabs* during the quarter. Each application for a refund shall show the number of gallons of motor fuel purchased during the quarter for use in buses *or taxicabs;* the date and quantity of each purchase; the vendor from whom such fuel was purchased; the number of gallons on which refund is claimed; and such other information as the Department of Revenue may require. The application shall be made under oath.

(4) The Department of Revenue shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the Department of Revenue is satisfied that a refund is proper it shall authorize five-sevenths of the amount of the tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current motor fuel tax receipts.

(5) When the Department of Revenue finds that an application for a refund contains a false or fraudulent statement or that a refund has been fraudulently obtained, the Department of Revenue shall refuse to grant any refunds to the person making such false or fraudulent statement or fraudulently obtaining a refund for a period of two years from the date of such findings.

(6) The Department of Revenue may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(7) The refund provided herein shall be effective on motor fuel purchased *June 15, 1968* [July 1, 1962] and thereafter.

Orders of the Day (Cont.)

SR 17 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hinkle moved the adoption of **SR 17.** Agreed.

SR 61 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rickert moved the adoption of **SR 61.** Agreed.

SR 53 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of **SR 53.** Agreed.

SB 203 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64—Arnett, Ball, Ballenger, Blandford, Bleemel, Blythe, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Peace, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 4—Alexander, Baker, Brown, Ray.

SB 203 was passed and the title agreed to.

SB 116 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wheeler moved the adoption of the following Amendment to **SB 116:**

Amend printed copy of Senate Bill 116 on page 2, below line 8, by adding the following:

"Section 2. KRS 26.660 is amended to read:

Police judges who are eligible for pension and retire from office, shall be paid out of the Police Judge Pension Fund, a pension not to exceed the sum of *forty-eight* [twenty-four] hundred dollars each year, for life. If the pension legislation has been adopted by the city legislative bodies at the time of said retirement, it shall not be altered or changed during the time of the pension period of the retiring judge."

The amendment to **SB 116** was adopted.

Representative Curlin moved that action on **SB 116** be temporarily deferred. Agreed.

Representative Peace moved that the Rules be suspended to take **SB 252** from its position in Orders of the Day and place it upon its passage.

On the roll call the vote was yeas 72—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Brown, Bruce, Clapp, Clark, Coffey, James A. Davis, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, James, Jones, Justice, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McGill, McNamara, Melton, Clarence R. Miller, Robert L. Miller, Morgan, Peace, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 10—Ballenger, Blume, Blythe, Cox, Cruse, Harper, Mershon, Pettit, Schmidt, Wheeler.

The motion that the Rules be suspended to take **SB 252** from Orders of the Day and place it upon its passage was adopted.

SB 252, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardin moved the adoption of the Committee Amendment to **SB 252.** Agreed.

Representative Hardin moved the Previous Question on **SB 252.**

On the roll call the vote was yeas 59—Akers, Alexander, Allen, Arnett, Blandford, Bleemel, Bruce, Clapp, Clark, Coffey, Cruse, Walter F. Davis, DeMarcus, Floyd, Halleck, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Isler, James, Jones, Justice, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McNamara, Melton, Clarence R. Miller, Robert L. Miller, Peace, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Tobin, Walters, Webster, Wells, Wesley, Wolchik, Wright. Nays 22—Baker, Ball, Ballenger, Bamberger, Blume, Blythe, Cox, J. A. Davis, Denham, Greer, Harper, Hoe, Huff, Johnson, Kidd, King, Massey, Pettit, Siemens, Stuart, Wheller, Wooley.

The Previous Question on **SB 252** was adopted.

Representative Harper moved that the Rules be suspended to extend debate for one hour on **SB 252.**

On the roll call the vote was yeas 19—Baker, Ball, Ballenger, Blume, Blythe, Cox, DeMarcus, Denham, Greer, Harper, Johnson, Kidd, Massey, Pettit, Russell, Siemens, Wheeler, White, Wooley. Nays 59—Akers, Alexander, Allen, Arnett, Bamberger, Blandford, Bleemel, Brown, Bruce, Clapp, Clark, Coffey, Cruse, W. F. Davis, Floyd, Halleck, Hampton, Hardin, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Jones, Justice, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, Melton, Mershon, C. R. Miller, R. L. Miller, Murphy, Peace, Prather, Rattliff, R. Reynolds, Richey, Riddle, Sartin,

Saylor, Schmidt, Simmons, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wright.

The motion that the Rules be suspended to extend debate for one hour on **SB 252** was rejected.

On the roll call the vote was yeas 64—Akers, Alexander, Allen, Arnett, Baker, Blandford, Bleemel, Brown, Bruce, Carroll, Clapp, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Hampton, Hardin, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Jones, Justice, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McKinney, McNamara, Melton, Clarence R. Miller, Robert L. Miller, Peace, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Sartin, Saylor, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wright. Nays 21—Ball, Ballenger, Bamberger, Blume, Blythe, Cox, Denham, Greer, Harper, Hoe, Johnson, Keene, Kidd, Massey, McCallum, Pettit, Ray, Russell, Stuart, Wheeler, Wooley.

SB 252 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 252** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

SB 125 was returned with letter.

Announcing passage of **HB 36, HB 328, HB 329, HB 330, HB 355, HB 401** and **HB 292** with amendment.

Orders of the Day (Cont.)

SB 70 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hoe moved the adoption of the following Amendment No. 1 to **SB 70:**

Amend printed copy of Senate Bill 70 on page 1, line 11, by:

inserting after the word *"physician"* the following words: *"with concurrence of the employer"*

and on page 4, lines 23 to 28, pages 5 and 6, lines 1 to 28, and on page 7, line 1, by deleting all those lines

and on page 7, line 2, by renumbering "Section 4" as "Section 3"

and on page 8, line 22, by renumbering "Section 6" as "Section 4"

On the roll call the vote was yeas 23—Alexander, Ballenger, Blythe, Bruce, Walter F. Davis, DeMarcus, Denham, Hampton, Harper, Hoe, Jones, Keith, Maddox, Massey, Robert L. Miller, Russell, Sartin, Schmidt, Webster, Wells, Wesley, White, Wooley. Nays 48—Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Bowles, Cox, Cruse, Curlin, J. A. Davis, Halleck, Hardin, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Lawson, May, McBrayer, McKinney, C. R. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Richey, Rickert, Riddle, Saylor, Siemens, Tobin, Vanover, Wheeler, Wright.

Amendment No. 1 to **SB 70** was rejected.

Representative Wesley moved the adoption of the following Amendment No. 2 to **SB 70:**

Amend printed copy of Senate Bill 70 on page 1, line 11, by:

inserting immediately after the word "injury" and before the comma, the following:

"from any of a panel of physicians of not less than three (3) in number designated by the employer"

and, on page 1, line 12, by striking the period immediately after the word treated and adding the following:

"; provided, that the hospital so selected is any of the three (3) hospitals which are closest in distance to the place at which the injury occurred, or, if the injury is such that specialization of physician or treatment is required, then, it may be any hospital so equipped within the Commonwealth of Kentucky."

Representative Sartin moved that Amendment No. 2 to **SB 70** be laid on the table.

On the roll call the vote was yeas 24—Alexander, Ballenger, Bamberger, Blythe, Walter F. Davis, DeMarcus, Denham, Hampton, Harper, Hinkle, Hoe, Jones, Keith, Lawson, Maddox, Massey, Melton, Robert L. Miller, Russell, Sartin, Smith, Stuart, Wesley, White. Nays 56—Allen, Arnett, Baker, Ball, Blandford, Bleemel, Blume, Bowles, Brown, Clark, Cox, Cruse, Curlin, J. A. Davis, Halleck, Hardin, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Johnson, Justice, Keene, Kidd, King, Lankford, Lassiter, May, McBrayer, McCallum, McKinney, C. R. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Saylor, Siemens, Simmons, Tobin, Vanover, Webster, Wells, Wheeler, Wolchik, Wooley.

The motion that Amendment No. 2 to **SB 70** be laid on the table was rejected.

On the roll call the vote was yeas 25—Ballenger, Blythe, Bruce, Clark, James A. Davis, Walter F. Davis, DeMarcus, Denham, Greer, Hampton, Harper, Hoe, Jones, Keith, Maddox, Massey, Robert L. Miller, Rattliff, Russell, Schmidt, Stuart, Wesley, White, Wolchik, Wooley. Nays 52—Alexander, Allen, Baker, Ball, Blandford, Bleemel, Blume, Bowles, Brown, Cox, Cruse, Curlin, Halleck, Hardin, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Lawson, May, McBrayer, McCallum, McKinney, Melton, C. R. Miller, Morgan, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Siemens, Smith, Tobin, Vanover, Webster, Wheeler, Wright.

Amendment No. 2 to **SB 70** was rejected.

Senate Message

Announcing passage of **HB 26, HB 59, HB 123, HB 230, HB 232, HB 253, HB 256, HB 267** with Amendment, **HB 269, HB 304, HB 309, HB 311, HB 312, HB 347, HB 350** and **HB 462.**

Orders of the Day (Cont.)

SB 70 (continued)

Representative Cox moved the adoption of the Previous Question on **SB 70.**

On the roll call the vote was yeas 53—Allen, Arnett, Blandford, Bleemel, Blume, Bowles, Brown, Coffey, Cox, Curlin, Floyd, Halleck, Hampton, Hardin, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Johnson, Justice, Keene, Kidd, King, Lankford, Lassiter, Lawson, May, McBrayer, McGill, McKinney, Melton, Clarence R. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Siemens, Simmons, Tobin, Vanover, Webster, Wells. Nays 25—Baker, Ball, Bamberger, Blythe, Clark, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Denham, Greer, Harper, Hoe, Huff, Jones, Maddox, Massey, R. L. Miller, Rattliff, Russell, Smith, Wesley, Wheeler, White, Wright.

The Previous Question on **SB 70** was adopted.

Representative Sartin moved that the House adjourn until 10:00 a.m., March 15, 1968.

On the roll call the vote was yeas 38—Alexander, Allen, Arnett, Bamberger, Blythe, Brown, Clapp, Clark, Cruse, Curlin, DeMarcus, Denham, Floyd, Greer, Hampton, Harper, Hinkle, Hoe, Huff, Jones, Keith, Lawson, Louden, Maddox, Massey, McKinney, McNamara, Melton, Rattliff, Russell Reynolds, Russell, Sartin, Smith, Stuart, Wells, Wesley, White, Wright. Nays 50—Akers, Baker, Ballenger, Blandford, Bleemel, Blume, Bowles, Carroll, Coffey, Cox, J. A. Davis, W. F. Davis, Halleck, Hardin, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Johnson, Justice, Keene, Kidd, King, Lankford, Lassiter, May, McBrayer, McGill, Mershon, C. R. Miller, Morgan, Murphy, Peace, Pettit, Prather, Ray, Richey, Rickert, Riddle, Saylor, Siemens, Simmons, Tobin, Vanover, Webster, Wheeler, Wolchik, Wooley.

The motion to adjourn was rejected.

SB 70 (continued)

On the roll call the vote was yeas 57—Akers, Arnett, Baker, Ball, Blandford, Bleemel, Blume, Bowles, Brown, Carroll, Clapp, Cox, Curlin, James A. Davis, Dawhare, Greer, Halleck, Hardin, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Johnson, Justice, Keene, Kidd, King, Lankford, Lassiter, May, McBrayer, McCallum, McGill, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey,

Rickert, Riddle, Saylor, Siemens, Simmons, Tobin, Vanover, Webster, Wesley, Wheeler, Wooley. Nays 24—Alexander, Ballenger, Bamberger, Blythe, Cruse, W. F. Davis, DeMarcus, Denham, Hampton, Harper, Hoe, Jones, Kessinger, Massey, McKinney, Rattliff, R. Reynolds, Russell, Sartin, Schmidt, Smith, Stuart, Wells, Wolchik.

SB 70 was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 267:**

Amend printed copy of House Bill 267 by amending the title to read:

"AN ACT providing for the payment by Department of Highways for the removal and relocation of facilities owned by a utility, or a Water District established pursuant to Chapter 74 of the Kentucky Revised Statutes."

Agreed.

Representative Morgan moved that **HB 267** as amended be placed upon its passage.

On the roll call the vote was yeas 61—Akers, Alexander, Arnett, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Floyd, Greer, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Ray, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Webster, Wooley, Wright. Nays 1—Baker.

HB 267 as amended was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 292:**

Amend printed copy of House Bill 292 on page 1, line 10, by:

deleting the period at the end of the word "Kentucky" and adding the following:

"and provided also that the other state extends the same privileges to residents of Kentucky.

Agreed.

Representative Morgan moved that **HB 292** as amended be placed upon its passage.

On the roll call the vote was yeas 61—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bleemel, Brown, Clapp, Clark, Coffey, Cruse, Curlin, Walter F. Davis, Denham, Floyd, Greer, Harper, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Saylor, Schmidt, Simmons, Stuart, Vanover, Webster, Wooley, Wright. Nays 0.

HB 292 as amended was passed and the title agreed to.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 147, HR 82, HB 537, HB 181, HB 541, HB 580, HB 204, HB 339, HB 128, HB 99, HB 337, HB 399, HB 400, HB 36, HB 328, HB 329, HB 330, HB 401** and **HB 355** had been examined and found correctly enrolled. **HB 147, HR 82, HB 537, HB 181, HB 541, HB 580, HB 204, HB 339, HB 128, HB 99, HB 337, HB 399, HB 400, HB 36, HB 328, HB 329, HB 330, HB 401,** and **HB 355** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative McBrayer moved that the House adjourn until 10:00 a.m., Friday, March 15, 1968.

On the roll call the vote was yeas 17—Bamberger, Blythe, Carroll, Denham, Hampton, Hoffman, Hunt, Irick, Justice, Keene, King, Lankford, McBrayer, McCallum, Russell Reynolds, Schmidt, Tobin. Nays 11—Allen, Arnett, Coffey, Greer, Hoe, Hopkins, May, R. L. Miller, Rickert, Wolchik, Wright.

The motion to adjourn was adopted.

FRIDAY, MARCH 15, 1968
SIXTIETH LEGISLATIVE DAY

The House was called to order by Speaker Pro Tem McBrayer.

Prayer by the Reverend W. Robert Insko of the Church of the Ascension, Frankfort.

The roll was called. All present except Representatives Allen, Bowles, Cox, Justice and Smith.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of March 14, 1968, be dispensed with and the same approved. Agreed.

Speaker Pro Tem McBrayer vacated the Chair. Speaker Carroll presiding.

Introduction of Bills and Resolutions

HB 620, by Representatives Sartin and Bamberger: AN ACT relating to revenue and taxation.

HB 621, by Representatives Sartin and Bamberger: AN ACT relating to county roads.

HR 115, by Representatives Hardin and Bruce: A RESOLUTION commending Miss Catherine Peden and the Kentucky Department of Commerce.

Motions, Petitions, and Communications

HR 113, by Representatives Schmidt and Webster: A RESOLUTION commending the Legislative Research Commission.

WHEREAS, the deliberations of the 1968 regular session of the General Assembly of the Commonwealth of Kentucky have received conscientious, capable and outstanding assistance, above and beyond the call of duty from the staff of the Legislative Research Commission, headed by Honorable James T. Fleming; and

WHEREAS, each member of both branches of the General Assembly has found such assistance, aid and advice available without regard to party or factional affiliation at any and all times; and

WHEREAS, the people of the Commonwealth of Kentucky have benefited substantially through improvement in the efficiency of the legislative process, from the services rendered to the General Assembly by the staff of the Legislative Research Commission; and

WHEREAS, such advice, counsel and assistance has been rendered at all times with unfailing courtesy and good humor despite the pressure of time and heavy burden of such duties;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the General Assembly expresses on behalf of its own members and on behalf of the people of the Commonwealth its gratitude and appreciation to the staff of the Legislative Research and to the Honorable James T. Fleming, Director of the Legislative Research Commission.

That the General Assembly does hereby commend Honorable James T. Fleming and his staff, in particular the ladies thereof, as outstanding, capable and devoted public servants.

Representative Schmidt moved the adoption of **HR 113.** Agreed.

The following members requested that they be added as co-sponsors of **HR 113.**

On the roll call the vote was yeas 74—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keith, Kessinger, King, Lassiter, Lawson, Maddox, May, McBrayer, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Murphy, Peace, Prather, Rattliff, Ray, W. J. Reynolds, Richey,

Rickert, Russell, Sartin, Saylor, Simmons, Smith, Stuart, Tobin, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

HR 114, by Representatives McNamara, Denham Webster and Hinkle: A RESOLUTION commending the Reverend Delbert Butts for making the Legislative Prayer Breakfasts available to members of the General Assembly.

WHEREAS, every Wednesday morning, a Legislative Prayer Breakfast has been conducted for the members of the 1968 General Assembly; and

WHEREAS, the Reverend Delbert Butts, executive Director of the Temperance League of Kentucky, has been responsible for the inspirational and spiritually enriching discussions and talks at the breakfasts; and

WHEREAS, much time and effort was devoted to planning the programs and obtaining outstanding speakers for the benefit and pleasure of the members of the General Assembly attending the breakfasts;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the members of the House of Representatives take this means of expressing its deep appreciation and sincere thanks to the Reverend Delbert Butts for making the Legislative Prayer Breakfasts available to members of the General Assembly, and for his devoted and inspirational leadership in the meetings.

Section 2. That a copy of this resolution be transmitted to the Reverend Delbert Butts.

Representative McNamara moved the adoption of **HR 114.** Agreed.

Representative DeMarcus moved the adoption of the following Amendment to the House Rules:

Amend printed copy of House Rule 41 on page 32, line 1, by:

inserting after the word "House" the following:

"The Rules Committee shall not hold a bill or resolution for more than three legislative days without posting for final passage or recommitting it to a standing committee. The Rules Committee may refer any bill or resolution before it back to the committee which has reported out such bill or resolution. Provided, however, that such recommitment shall be accompanied by an explanation of the reason therefor, and that no bill or resolution shall be referred back by the Rules Committee on more than one occasion."

Representative Morgan moved that the matter of adoption of an amendment to the House Rules be referred to the Committee on Rules.

On the roll call the vote was yeas 40—Akers, Alexander, Arnett, Ball, Blandford, Bleemel, Brown, Cox, Curlin, Hampton, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Keene, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, May, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Russell Reynolds, W. J. Reynolds, Simmons, Tobin, Webster, Wooley. Nays 20—Baker, Bamberger, Blythe, W. F. Davis, DeMarcus, Hoe, Huff, Johnson, Lawson, McKinney, Prather, Rattliff, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Vanover, Wesley.

The Motion that the matter of adoption of an Amendment to the House Rules be referred to the Committee on Rules was adopted.

Orders of the Day

SR 29 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of **SR 29.** Agreed.

Representative Morgan moved that **SB 264** be substituted for **HB 242.** Agreed.

Representative Morgan moved that consideration of **SB 264** be deferred. Agreed.

SR 51 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of **SR 51.** Agreed.

SB 345 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64—Arnett, Ballenger, Blandford, Blythe, Brown, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Keene, Lankford, Lassiter, Lawson, Louden, Maddox, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Webster, Wolchik, Wooley, Wright. Nays 5—Blume, Bruce, Cox, James, King.

SB 345 was passed and the title agreed to.

SB 114 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Blandford, Blume, Blythe, Bruce, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, Mershon,

Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Tobin, Vanover, Wheeler, Wolchik, Wooley, Wright. Nays 0.

SB 114 was passed and the title agreed to.

SB 116 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curlin moved the adoption of the following Amendment No. 2 to **SB 116:**

Amend printed copy of Senate Bill 116 on page 2, line 2, by:
deleting the words *"less than $7,200 nor"*
Agreed.

On the roll call the vote was yeas 56—Akers, Allen, Arnett, Baker, Blandford, Blythe, Brown, Clark, Cox, Cruse, Curlin, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Keene, King, Lankford, Lassiter, Lawson, Massey, May, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Rattliff, W. J. Reynolds, Riddle, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Wheeler, Wolchik, Wooley, Wright. Nays 1—Bruce.

SB 116 as amended was passed and the title agreed to.

SB 105 with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riddle moved the adoption of the Committee Amendment to **SB 105.** Agreed.

On the roll call the vote was yeas 63—Alexander, Allen, Arnett, Baker, Ballenger, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe,

Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Massey, May, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Rattliff, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Simmons, Smith, Stuart, Tobin, Vanover, Wesley, Wheeler, Wolchik, Wright. Nays 0.

SB 105 as amended was passed and the title agreed to.

SB 148 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clark, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Floyd, Greer, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, James, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, Wooley, Wright. Nays 5—Henry, Isler, Riddle, Russell, Stuart.

SB 148 was passed and the title agreed to.

SB 115 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 45—Akers, Alexander, Arnett, Ballenger, Blandford, Bleemel, Blume, Brown, Carroll, Cox, Cruse, Curlin, Dawhare, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hunt, Isler, Keene, Keith, Kidd, Lankford, Lawson, Louden, Massey, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Ray, W. J. Reynolds, Schmidt, Tobin, Vanover, Wesley, Wright. Nays 17—Ball, Clark, J. A. Davis, Denham, Halleck,

James, Jones, King, Lassiter, Murphy, Peace, Prather, R. Reynolds, Richey, Rickert, Riddle, Sartin.

SB 115 was passed and the title agreed to.

SB 275 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mitchell moved the adoption of the following Amendment to **SB 275**:

Amend printed copy of Senate Bill 275 on page 2, below line 10, by inserting the following:

"Section 2. Section 25.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Finance shall determine the amount that is present in the fund on the last days of the months of September, December, March, and June. Payments shall be made quarterly to county judges in an amount determined as provided in this section.

(2) Except as provided in *the second sentence* [paragraph (b)] of subsection (3) of this section, the maximum expense allowance is *$600* [$375] per quarter-year.

(3) [(a)] If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount less than *$600* [$375], then that *lesser* amount shall be paid. [(b)] If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount as much as or more than *$600*, [$375] then *$600* [$375] shall be paid, except that [:1.] if, *firstly*, the amount is more than *$600* [$375], and, *secondly*, [2.] if the total amount previously paid to each judge during the fiscal year is less than *$600* [$375] times the number of previous payments, then the payment shall be in an amount not larger than is necessary to make the total amount paid during the fiscal year equal to *$600* [$375] times the number of payments.

(4) In no case shall a county judge receive *from the fund* more than *$2400* [$1500] in one fiscal year."

and on page 2, line 11, by renumbering "Section 2" to "Section 3".

Agreed.

On the roll call the vote was yeas 61—Alexander, Allen, Arnett, Baker, Bamberger, Blandford, Bleemel, Blythe, Brown, Clark, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Justice, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, Robert L. Miller, Murphy, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wright. Nays 6—Floyd, Huff, Prather, Richey, Rickert, Smith.

SB 275 as amended was passed and the title agreed to.

SB 365 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Brown, Bruce, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hampton, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, Johnson, Jones, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Melton, Clarence R. Miller, Robert L. Miller, Peace, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Walters, Webster, Wesley, Wheeler, Wolchik, Wright. Nays 1—Cruse.

SB 365 was passed and the title agreed to.

SB 55 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 54—Akers, Alexander, Baker, Ball, Bamberger, Blandford, Clark, Coffey, Cox, Curlin,

Walter F. Davis, Greer, Halleck, Hampton, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Keene, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McNamara, Mershon, Murphy, Peace, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Vanover, Wesley, Wheeler, Wright. Nays 0.

SB 55 was passed and the title agreed to.

SB 333 taken from Orders of the Day and ordered read at length for the third time. Representative W. J. Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55—Akers, Alexander, Baker, Ball, Bamberger, Blandford, Bleemel, Blythe, Bruce, Clark, Coffey, Cox, Curlin, Walter F. Davis, Floyd, Greer, Hampton, Hardin, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Massey, May, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Russell Reynolds, W. J. Reynolds, Richey, Russell, Saylor, Schmidt, Simmons, Vanover, Webster, Wesley, Wright. Nays 0.

SB 333 was passed and the title agreed to.

SB 326 taken from Orders of the Day and ordered read at length for the third time. Representative W. J. Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55—Akers, Allen, Baker, Bamberger, Bleemel, Blythe, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Denham, Floyd, Halleck, Hinkle, Hoe, Hoffman, Hopkins, Huff, Johnson, Jones, Keene, Kessinger, Kidd, King, Lankford, Lawson, Louden, Massey, May, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Walters, Wesley, Wheeler, White, Wolchik, Wright. Nays 3—Bruce, Hardin, Riddle.

SB 326 was passed and the title agreed to.

Calendar

SB 398 taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Orders of the Day (Cont.)

SB 322 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 62—Alexander, Arnett, Baker, Blandford, Bleemel, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Maddox, Massey, May, McGill, McKinney, McNamara, Mershon, Mitchell, Murphy, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Vanover, Walters, Webster, Wesley, Wooley. Nays 1—Blythe.

SB 322 was passed and the title agreed to.

Representative Cox moved that the vote by which **SB 322** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 321 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curlin moved the adoption of the following Amendment to **SB 321**:

Amend printed copy of Senate Bill 321 , by:

striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. A new section of Chapter 56 of the Kentucky Revised Statutes is created to read as follows:

(1) No state agency shall have power or authority to make plans and specifications, advertise for bids, let contracts or incur any financing commitments, either in the way of a charge against public funds or in the way of negotiations for issuance of revenue bonds, for any capital construction projects involving the improvement of lands or the construction, alteration, reconstruction, or major repair of any building or other structure, or sewage disposal or water supply system, requiring the expenditure of more than $12,000 without first securing the approval of the Department of Finance.

(2) The state agency seeking such approval shall submit to the Department of Finance a general description of the proposed project, with such detailed information as the department may require. The department shall not approve any such project requiring its approval in any instance where it finds that the project is not neded, or that the proposed method of financing is not sound, or in cases where the project will exceed the amount of the funds available therefor, or the work contemplated will be insufficient to accomplish the purpose of the project, or that after providing for the ordinary recurring expenses of government and debt service and for payments under existing allotments for extraordinary expenses and capital outlay, cash will not be available in the State Treasury to promptly pay for the work during the biennium, or except as provided in subsection (5) that the work is to be done by employees of the agency.

(3) The finding of the Department of Finance shall be final, except in cases where the issuance and sale of bonds is proposed, in which cases the department shall submit its findings to the commission for final approval modification, or disapproval.

(4) Any capital construction project, the total cost of completion of which the Department of Finance determines will exceed twelve thousand dollars ($12,000), shall be contracted for on a competitive bid basis, and the execution of such contracts must be approved and authorized by the department. When a capital construction project has been approved as provided in this section, in whole or in part, the department shall prepare the

plans and specifications, advertise for bids, award the contracts, supervise the construction and handle the financial negotiations on behalf of the requesting state agency, or with prior written approval, the department may authorize a state agency to do so with delegated authority of the department.

(5) A capital construction project, the total cost of completion of which the Department of Finance determines will be less than twelve thousand dollars ($12,000), may be performed by the regular employees of the requesting agency; provided, however, that the project must be approved and authorized by the department. Necessary materials and supplies shall be procured in accordance with the standard purchasing procedures and policies of the department as defined in KRS Chapter 45.

(6) This section does not apply to capital outlays to the Department of Highways for roads and bridges.

Section 2. A new section of Chapter 45 of the Kentucky Revised Statutes is created to read as follows:

All capital construction projects or capital outlays for the improvement of land or the construction, alteration, reconstruction or major repair of any building or other structure, or sewage disposal or water supply system, or any bridge or road except a road and bridge under the jurisdiction of the Department of Highways, authorized under this chapter shall be subject to the provisions of Chapter 56 of the Kentucky Revised Statutes.

Section 3. Section 45.150 and 56.490 of the Kentucky Revised Statutes are repealed."

Agreed.

On the roll call the vote was yeas 70—Akers, Alexander, Arnett, Ball, Ballenger, Bamberger, Bleemel, Blume, Brown, Bruce, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hapkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Ray, Russell Reynolds,

W. J. Reynolds, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Vanover, Webster, Wells, Wesley, Wheeler. Nays 0.

SB 321 as amended was passed.

Representative Curlin moved the adoption of the following Title Amendment to **SB 321**:

Amend printed copy of Senate Bill 321 Title Amendment, by:

amending the title to read: "AN ACT relating to the approval required by the Department of Finance for capital construction projects, the conditions of approval, and the requirements governing work performed."

The Title Amendment to **SB 321** was adopted.

SB 316, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmidt moved the adoption of the Committee Amendment to **SB 316.** Agreed.

On the roll call the vote was yeas 63—Alexander, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Clark, Coffey, Cruse, Curlin, Dawhare, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Smith, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley. Nays 4—Clapp, Denham, Justice, Siemens.

SB 316 as amended was passed and the title agreed to.

SB 45, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stuart moved the adoption of the Committee Amendment to **SB 45.** Agreed.

Representative Melton moved that **SB 45** as amended be laid on the Clerk's desk. Rejected.

On the roll call the vote was yeas 50—Alexander, Ball, Bamberger, Bleemel, Blume, Blythe, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Hunt, Irick, Johnson, Keene, Keith, Kidd, Lankford, Lassiter, Louden, Maddox, Massey, May, McGill, McNamara, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Sartin, Schmidt, Simmons, Stuart, Vanover, Walters, Webster, Wheeler, Wooley. Nays 16—Baker, Blandford, Clapp, Clark, Floyd, Greer, Harper, Huff, Isler, Jones, King, Lawson, McKinney, Melton, Peace, Richey.

SB 45 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 45** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the Rules be suspended to make a motion. Agreed.

Representative Morgan moved that **SB 264** be substituted for **HB 242.** Agreed.

SB 264 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McGill moved the adoption of the House Committee Substitute to **SB 264.** Agreed.

Representative Pettit moved the adoption of the following Amendment to the House Committee Substitute to **SB 264:**

Amend printed copy of Committee Substitute for Senate Bill 264 on page 16, line 6, by:

deleting the figure "90" and removing the brackets before and after the figure "180".

Agreed.

On the roll call the vote was yeas 53—Akers, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Brown, Cox, Cruse, Curlin, Walter F. Davis, Denham, Floyd, Greer, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Johnson, Keene, Kidd, Lankford, Lawson, McBrayer, McGill, McKinney, Mitchell, Morgan, Murphy, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, Wooley. Nays 17—Allen, Bruce, Clapp, DeMarcus, Isler, Lassiter, Maddox, May, Melton, Mershon, R. L. Miller, Prather, Riddle, Russell, Sartin, Wolchik, Wright.

SB 264 as amended was passed.

Representative Johnson moved the adoption of the following Title Amendment to **SB 264** as amended:

Amend printed copy of Senate Bill 264 by:

Amend title of House Committee Substitute for SB 264 by amending title to read:

"AN ACT relating to civil rights. This Act shall be known as the Hughes McGill, Georgia M. Davis, Mae Street Kidd Civil Rights Act of 1968."

The Title Amendment to **SB 264** as amended was adopted.

Representative Morgan moved that the vote by which **SB 264** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 59, HB 230, HB 232, HB 253, HB 347, HB 267, HB 123, HB 292, HB 499, HB 256, HB 462, HB 26, HB 269, HB 311, HB 304, HB 312, HB 350, HB 309, SB 164, SB 207, SB 349, SB 101, SB 232, SB 113, SB 157, SB 163, SB 192, SB 249, SB 250, SB 284, SB 344, SB 124, SB 96, SB 314, SB 14, SB 195, SB 233, SB 288** and **SB 46** had been examined and found correctly enrolled. **HB 59, HB 230, HB 232, HB 253, HB 347, HB 267, HB 123, HB 292, HB 499, HB 256, HB 462, HB 26, HB 269, HB 311, HB 304, HB 312, HB 350, HB 309, SB 164, SB 207, SB 349, SB 101, SB 232, SB 113,**

SB 157, SB 163, SB 192, SB 249, SB 250, SB 284, SB 344, SB 124, SB 96, SB 314, SB 14, SB 195, SB 233, SB 288 and **SB 46** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Recess

Representative Morgan moved that the House recess for lunch until 1:30 p.m. Agreed.

At the appointed hour, the Speaker Pro Tem resumed the Chair and called the House to order.

Orders of the Day (Cont.)

SB 117 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 54—Allen, Ballenger, Blandford, Blythe, Brown, Coffey, Cox, Curlin, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, May, McGill, McNamara, Mershon, Clarence R. Miller, Morgan, Peace, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Simmons, Stuart, Tobin, Vanover, Wells, Wheeler, White, Wooley, Wright. Nays 0.

SB 117 was passed and the title agreed to.

SB 118 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Baker moved the adoption of the following Amendment No. 1 to **SB 118**:

Amend printed copy of Senate Bill 118 on page 2, lines 27 and 28, by:

deleting lines 27 and 28 of page 2 and insert the following:

(3) The non-voting student member shall be a full-time student of the University of Kentucky and shall maintain permanent residency in the Commonwealth of Kentucky. The Board of Trustees shall appoint the student member and an alternate from among the five (5) students receiving the greatest number of votes in a student election conducted for that purpose. The student member shall serve for a term of one year, and until his successor is appointed and qualified, except that the member so appointed shall serve from the day of his appointment until May 1, 1969. The student member shall be eligible for re-appointment but shall be ineligible to continue to serve as a student member of the Board of Trustees if he ceases to be a full-time student of the University. Appointment to fill a vacancy shall be for the unexpired term in the same manner as provided for in the original appointment. The student member shall not participate in any board meeting if requested not to do so by a majority of the Board present and voting.

Amend printed copy of Senate Bill 118 on page 5, by:

deleting lines 15, 16 and 17 and inserting the following:

(8) The non-voting student member shall be a full-time student of the University or College on whose Board of Regents he is to serve and shall maintain permanent residency in the Commonwealth of Kentucky. The Board of Trustees shall appoint the student member and an alternate from among the five (5) students receiving the greatest number of votes in a student election conducted for that purpose. The student member shall serve for a term of one year, and until his successor is appointed and qualified, except that the member so appointed shall serve from the day of his appointment until May 1, 1969. The student member shall be eligible for re-appointment but shall be ineligible to continue to serve as a student member of the Board of Trustees if he ceases to be a full-time student of the University. Appointment to fill a vacancy shall be for the unexpired term in the same manner as provided for in the original appointment. The student member shall not participate in any board meeting if requested not to do so by a majority of the Board present and voting.

Agreed.

Representative Johnson moved the adoption of the following Amendment No. 2 to **SB 118**:

Amend the amendment to Senate Bill 118, by:

deleting the amendment in its entirety;

and on page 2, line 28 of the printed copy of S. B. 118 inserting the following after the period:

If the President of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the non-voting student member.

And on page 5, line 17 of the printed copy of S. B. 118 by inserting the following after the period:

If the President of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the non-voting student member.

Agreed.

On the roll call the vote was yeas 62—Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Greer, Halleck, Hinkle, Hoe, Hoffman, Hunt, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Massey, May, McBrayer, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Wesley, Wheeler, White, Wooley, Wright. Nays 10—Arnett, Blythe, DeMarcus, Denham, Henry, R. L. Miller, Peace, Russell, Webster, Wells.

SB 118 as amended was passed and the title agreed to.

Representative Blume moved that the Rules be suspended to make a motion that the vote by which **SB 115** was passed be reconsidered.

On the roll call the vote was yeas 54—Alexander, Allen,

Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Brown, Clark, Cox, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Isler, James, Johnson, Jones, Justice, Keith, Kidd, King, Lankford, Lawson, Massey, May, McGill, Melton, Mershon, Mitchell, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Russell, Siemens, Tobin, Vanover, Wesley, Wheeler, Wooley. Nays 1—Webster.

The motion that the Rules be suspended to reconsider the vote by which **SB 115** was passed was adopted.

SB 122, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved the adoption of the Committee Amendment to **SB 122.** Agreed.

On the roll call the vote was yeas 53—Alexander, Allen, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clark, Cox, Curlin, Dawhare, Denham, Halleck, Henry, Hoe, Hopkins, Hunt, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Massey, May, McCallum, McGill, Mershon, Clarence R. Miller, Mitchell, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Simmons, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wooley, Wright. Nays 5—Blythe, DeMarcus, Lawson, Melton, Sartin.

SB 122 as amended was passed and the title agreed to.

SB 171 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rickert moved the adoption of the following amendment to **SB 171:**

> Amend printed copy of Senate Bill 171 on page 1, line 12, by: adding immediately after the word "secured" the following: "and provided that no employee transferred from one plant

or work location to another within the employment of the same employer shall thereby lose any benefit rights accumulated under the average weekly wage concept."

Agreed.

On the roll call the vote was yeas 61—Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clark, Cox, James A. Davis, Dawhare, Denham, Greer, Halleck, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keene, Kessinger, Kidd, King, Lankford, Lawson, Louden, Massey, May, McGill, McKinney, McNamara, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, Wooley, Wright. Nays 3—Blythe, Lassiter, Sartin.

SB 171 as amended was passed and the title agreed to.

Representative Rickert moved that the vote by which **SB 171** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 173 taken from Orders of the Day and ordered read at length for the third time. Representative Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Jones, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McKinney, McNamara, Melton, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 0.

SB 173 was passed and the title agreed to.

SB 176 taken from Orders of the Day and ordered read at length for the third time. Representative Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58—Alexander, Baker, Ballenger, Bamberger, Blandford, Blume, Brown, Bruce, Clark, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Greer, Halleck, Hampton, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lawson, Massey, May, McGill, McNamara, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Vanover, Webster, Wesley, Wheeler, White, Wooley. Nays 6—Denham, Henry, James, Lassiter, Maddox, McCallum.

SB 176 was passed and the title agreed to.

Representative Blume moved that the vote by which **SB 115** was passed be reconsidered.

On the roll call the vote was yeas 65—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Halleck, Hampton, Harper, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, May, McGill, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Ray, Richey, Rickert, Russell, Saylor, Schmidt, Simmons, Vanover, Walters, Webster, Wesley, Wheeler, Wolchik, Wooley. Nays 0.

The motion that the vote by which **SB 115** was passed be reconsidered was adopted.

Representative DeMarcus moved that **SB 115** be postponed indefinitely.

On the roll call the vote was yeas 66—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Cox, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Harper, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson,

Jones, Justice, Keene, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Ray, Russell Reynolds, Richey, Rickert, Riddle, Simmons, Smith, Vanover, Webster, Wesley, White, Wooley, Wright. Nays 0.

The motion that **SB 115** be postponed indefinitely was adopted.

The Speaker resumed the Chair.

SB 191 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardin moved that **SB 191** be laid on the Clerk's Desk.

On the roll call the vote was yeas 10—Allen, Ballenger, Blandford, Blume, Bruce, Hardin, Irick, Keene, Murphy, Walters. Nays 51—Baker, Bleemel, Clark, Coffey, Cox, Cruse, J. A. Davis, W. F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Huff, Isler, James, Jones, Justice, Kessinger, King, Lankford, Lassiter, Louden, Maddox, McBrayer, McKinney, McNamara, Melton, Mershon, R. L. Miller, Peace, Pettit, Prather, Rattliff, Richey, Rickert, Riddle, Russell, Sartin, Simmons, Vanover, Wesley, White, Wolchik, Wooley, Wright.

The motion that **SB 191** be laid on the Clerk's Desk was defeated.

Representative Hardin moved that **SB 191** be tabled. Rejected.

Representative Hardin moved the adopion of the following Amendment to **SB 191:**

Amend printed copy of Senate Bill 191 on pages 3, 4, 5 and 6, by:

deleting on page 3, sections 5 and 6

deleting on page 4, sections 7 and 8

deleting on pages 5 and 6, section 9

On the roll call the vote was yeas 8—Blandford, Blume, James A. Davis, Hardin, Kidd, McCallum, Morgan, Murphy. Nays 54—Akers, Alexander, Baker, Bamberger, Bleemel, Clark, Coffey, Cox, Curlin, W. F. Davis, Dawhare, Denham, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Irick, Isler, James, Justice, Keith, Kessinger, King, Louden, Maddox, Massey, May, Melton, Mershon, R. L. Miller, Mitchell, Pettit, Rattliff, R. Reynolds, W. J. Reynolds, Richey, Riddle, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Webster, Wesley, White, Wooley, Wright.

Amendment to **SB 191** was defeated.

On the roll call the vote was yeas 67—Akers, Alexander, Baker, Bleemel, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, King, Lankford, Lawson, Louden, Maddox, Massey, May, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 8—Ballenger, Bamberger, Blandford, Blume, Hardin, Kidd, McGill, Murphy.

SB 191 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 191** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 197 taken from Orders of he Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 63—Alexander, Allen, Baker, Bleemel, Blythe, Clapp, Clark, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Floyd, Greer, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Keene, Keith, Lankford, Lawson, Louden, Maddox, Massey, May, McNamara, Melton, Clarence R. Miller, Robert L.

Miller, Mitchell, Morgan, Murphy, Pettit, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Simmons, Smith, Stuart, Tobin, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 12—Bamberger, Blandford, Blume, Bruce, Denham, Hardin, Irick, Kidd, King, McCallum, McGill, Webster.

SB 197 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 197** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 218 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 51—Akers, Arnett, Baker, Blandford, Bleemel, Blume, Brown, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Floyd, Greer, Halleck, Hardin, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Keene, Keith, Kessinger, Kidd, Lawson, Louden, Maddox, Massey, McBrayer, McKinney, Mitchell, Murphy, Peace, Ray, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Simmons, Tobin, Vanover, Wesley, Wheeler, Wright. Nays 10—Blythe, Henry, Holbrook, Jones, King, Lankford, Pettit, Walters, Webster, Wooley.

SB 218 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 218** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 290 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 57—Allen, Arnett, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Denham, Greer, Halleck, Hampton, Hardin, Hinkle, Hoffman, Holbrook, Hopkins, Irick, Isler, Johnson, Jones, Keene, Keith, Kidd, King,

Lassiter, Lawson, Louden, Massey, May, McCallum, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Ray, Rickert, Saylor, Schmidt, Tobin, Vanover, Walters, Wheeler, Wolchik, Wright. Nays 1—Sartin.

SB 290 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 290** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 177 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Isler, James, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Louden, Maddox, Massey, May, McBrayer, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wheeler, Wolchik, Wooley, Wright. Nays 4—Bruce, Cruse, Harper, Richey.

SB 177 was passed and the title agreed to.

Representative Morgan moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions

HR 116, by Representatives Irick, Hinkle, Denham, Lassiter and Cox: A RESOLUTION adjourning the House of Representatives sine die in memory of Leonard A. McNamara.

WHEREAS, the honorable Nell Guy McNamara is a loyal and respected member of this House of Representatives; and

WHEREAS, the death of the late Leonard McNamara has taken from her a beloved companion; and

WHEREAS, this House of Representatives expresses its warm wishes and condolences to Mrs. McNamara,

NOW, THEREFORE,

Be it reolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That this House of Representatives does, on March 15, 1968, adjourn sine die in memory of the late Leonard A. McNamara.

Representative Irick moved the adoption of **HR 116.** Agreed.

The following members requested that their names be added as co-sponsors of **HR 116.**

Representatives Akers, Alexander, Allen, Arnett, Baker, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Carroll, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Report on Enrolled Bills

HB 147, HR 82, HB 537, HB 181, HB 541, HB 580, HB 204, HB 339, HB 128, HB 99, HB 337, HB 399, HB 400, HB 36, HB 328, HB 329, HB 330, HB 401, HB 355, HB 59, HB 230, HB 232, HB 253, HB 347, HB 267, HB 123, HB 292, HB 499, HB 256, HB 462, HB 26, HB 269, HB 311, HB 304, HB 312, HB 350, HB 309 delivered, signed by President. Ordered delivered to the Governor.

Orders of the Day (Cont.)

SB 301 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Allen, Arnett, Baker, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hampton, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McCallum, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin ,Vanover, Walters, Wheeler, Wolchik, Wooley, Wright. Nays 0.

SB 301 was passed and the title agreed to.

SB 312 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 53—Alexander, Allen, Arnett, Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Denham, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Lassiter, Louden, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 24—Bamberger, Blythe, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Floyd, Halleck, Harper, Hoe, Huff, Johnson, R. L. Miller, Russell, Schmidt, Simmons, Smith, Vanover, Wesley, Wheeler, Wolchik, Wooley, Wright.

SB 312 was passed and the title agreed to.

Representative McBrayer moved that the vote by which **SB 312** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 372 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Denham, Floyd, Greer, Halleck, Hampton, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keith, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Smith, Tobin, Vanover, Walters, Webster, Wheeler, Wolchik, Wooley, Wright. Nays 1—Wesley.

SB 372 was passed and the title agreed to.

SB 392 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 70—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Clapp, Coffey, Cox, Curlin, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keith, King, Lankford, Lassiter, Lawson, Maddox, Massey, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Ray, W. J. Reynolds, Russell, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wesley, Wolchik, Wooley, Wright. Nays 1—Richey.

SB 392 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 392** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 142, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third

time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of Committee Amendment No. 1 to **SB 142.** Agreed.

Representative Pettit moved the adoption of the following Amendment No. 2 to **SB 142:**

Amend printed copy of Senate Bill 142 on page 1, lines 3, 4, by:

deleting the words "in a judicial district containing a city of the second class"

Agreed.

On the roll call the vote was yeas 44—Alexander, Baker, Bamberger, Blandford, Bleemel, Blume, Clapp, Clark, Cox, Curlin, Walter F. Davis, Denham, Greer, Hoffman, Hopkins, Irick, Isler, James, Johnson, Jones, Keene, King, Lankford, Lassiter, McBrayer, McCallum, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Riddle, Saylor, Schmidt, Siemens, Tobin, Vanover, Webster, White, Wooley. Nays 16—Arnett, Blythe, Bruce, Cruse, Floyd, Harper, Henry, Hinkle, Holbrook, Keith, McNamara, Peace, Prather, Rickert, Smith, Wolchik.

SB 142 as amended was passed and the title agreed to.

Representative Murphy moved that the vote by which **SB 142** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that **SB 208** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Cox moved that consideration of **SB 208** be deferred. Agreed.

SB 99 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 52—Alexander, Arnett,

Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Kidd, King, Lankford, Lassiter, Louden, Massey, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Saylor, Siemens, Smith, Tobin, Walters. Nays 24—Baker, Ball, Ballenger, Bamberger, Blythe, Cruse, J. A. Davis, W. F. Davis, Harper, Huff, Lawson, R. L. Miller, Peace, Riddle, Russell, Sartin, Schmidt, Simmons, Stuart, Vanover, Wesley, White, Wooley, Wright.

SB 99 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 99** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 208 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 57—Alexander, Arnett, Baker, Ball, Bleemel, Blume, Brown, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Greer, Hampton, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Lassiter, Louden, Massey, May, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Saylor, Schmidt, Siemens, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, Wolchik, Wooley. Nays 3—Denham, Hardin, James.

SB 208 was passed and the title agreed to.

Representative Morgan moved that the Rules be suspended for a Committee on Rules report. Agreed.

Report of Committees

The Committee on Rules reported **SB 142, SB 208, SB 99, SB 406, SB 388, SB 367, SB 404, SB 405, SB 412, SB 254, SB 264,**

SB 306, SB 403, SB 385, HB 596, SB 293, SB 269, SB 347, SB 289, SB 331, SB 363, SB 280, SB 242, SB 315, SB 384, SB 381, SB 137, SB 223, SB 343, SB 329, SB 297, B 308, SB 291, SB 364, SB 279, SB 141 and **SB 160** with the expression of opinion that the same should pass.

Senate Message

Announcing passage of **HR 64, HB 166, HB 250** with Amendment, **HB 336, HB 243, HB 603, HB 540, HB 533, HB 502, HB 420, HB 408, HB 405** with Amendment, **HB 404** with Amendment, **HB 360, HB 18** with Amendment, **HB 392** with Amendment and **HB 599** with Amendment.

Orders of the Day (Cont.)

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 599:**

Amend printed copy of House Bill 599 on page 1, by adding below line 9 the following:

"Section 2. The provisions of this Act apply to the 1968 and all subsequent sessions of the General Assembly."

Agreed.

Representative Morgan moved that **HB 599** be placed upon its passage as amended.

On the roll call the vote was yeas 64—Allen, Arnett, Baker, Ballenger, Blandford, Bleemel, Blume, Brown, Clapp, Clark, Cox, Cruse, Curlin, Dawhare, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Louden, Massey, McBrayer, McGill, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Sartin, Saylor, Siemens, Simmons, Smith, Stuart, Tobin, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 4—Alexander, Irick, Lawson, Rickert.

HB 599 as amended was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 392:**

Amend printed copy of House Bill 392 on page 2, inserting between lines 12 and 13 the following:

"Section 5. KRS 6.213 is amended to read:

(1) In addition to the per diem and all allowances provided for by law to members of the General Assembly of the Commonwealth of Kentucky, each member of the legislature is hereby granted an expense allowance of *three hundred* [one hundred fifty] dollars per month for secretarial assistance, books and periodicals, other reports or publications, conduct of small scale studies related to governmental activity, postage, telephone service, or any other expense incident to performance of the legislator's duties.

(2) The expense allowance provided for herein shall not be payable during any session of the General Assembly. For sessions occurring during a part of the month, the expense allowance shall be prorated.

(3) Such expense allowances shall be paid by the State Treasury out of the General Fund of the Commonwealth upon warrant of the Department of Finance, issued on the certification of the Director of the Legislative Research Commission.

Section 6. For the purposes of Section 5 of this Act, there is hereby appropriated in addition to other appropriations made by law, to the Legislative Session Account, out of the General Expenditure Fund in the State Treasury the sum of $248,400 for the fiscal year 1968-69 and the sum of $195,950 for the fiscal year 1969-70."

and on page 2, line 13, by amending "Section 5." to read "Section 7."

Agreed.

Representative Morgan moved that **HB 392** be placed upon its passage as amended.

On the roll call the vote was yeas 53—Akers, Baker, Ballenger, Bamberger, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Cruse, Curlin, Dawhare, Henry, Holbrook, Hunt, Isler, Johnson,

Jones, Kessinger, Kidd, King, Lankford, Lawson, Louden, Massey, McBrayer, McGill, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Ray, Russell Reynolds, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Walters, Webster, Wells, Wesley, Wolchik, Wooley, Wright. Nays 32—Alexander, Arnett, Ball, Blandford, Blythe, Cruse, Cox, J. A. Davis, W. F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Hinkle, Hoe, Hoffman, Huff, James, Justice, Keene, Keith, Lassiter, McKinney, McNamara, Prather, Rickert, Riddle, Vanover, Wheeler.

HB 392 as amended was passed.

Representative Morgan moved the adoption of the following Title Amendment to **HB 392:**

Amend printed copy of House Bill 392 by amending the title to read "AN ACT relating to the compensation and allowances of public officers."

Agreed.

Senate Message

Announcing passage of **HB 34** with Amendment, **HB 308, HB 310, HB 543** and **HB 559.**

Representative Stuart moved that the Rules be suspended to make a motion.

On the roll call the vote was yeas 63—Akers, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Cox, Cruse, Curlin, James A. Davis, Greer, Harper, Hinkle, Hoe, Hoffman, Huff, Hunt, Isler, Johnson, Jones, Keene, Kidd, King, Lankford, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Prather, Rattliff, Ray, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, White, Wright. Nays 7—Alexander, Hampton, Hardin, Holbrook, James, Murphy, R. Reynolds.

The motion that the Rules be suspended was adopted.

Representative Stuart moved that the House recede from the House Amendment to **SB 125.**

On the roll call the vote was yeas 55—Akers, Baker, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Cox, Cruse, Curlin, Denham, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Huff, Hunt, Isler, Johnson, Jones, Keene, Kidd, King, Lankford, Lawson, Louden, Massey, May, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Peace, Prather, Rattliff, Ray, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wesley, Wright. Nays 7—Alexander, Bruce, Hampton, Hardin, James, Lassiter, R. Reynolds.

The motion that the House recede from the House Amendment to **SB 125** was adopted.

Representative Stuart moved that **SB 125** be placed upon its passage without the House Amendment.

On the roll call the vote was yeas 52—Akers, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Brown, Cox, Cruse, Curlin, Denham, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Hunt, Isler, Johnson, Jones, Keene, Kidd, Lankford, Lawson, Louden, Massey, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Prather, Rattliff, Ray, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wesley, Wright. Nays 11—Alexander, Arnett, Bruce, Clark, Hampton, Hardin, James, King, Lassiter, Murphy, R. Reynolds.

SB 125 was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 34:**

Amend printed copy of House Bill 34 on page 6, lines 21-27, by:

striking in their entirety all of the lines 21-27 except for the word "nothing" on line 27 and inserting in lieu thereof the following:

"(2) Shall take no fee until a debt program agreed upon by the licensee and the contract debtor has been arranged except

for an application fee which shall not exceed $25.00 and which shall be refunded upon completion of the contract. In no event shall more than the pro-rated service charge for one month be payable by the contract debtor unless a plan of payment of his obligations has been submitted to his creditors and approved in writing by the contract debtor."

and on page 7, line 4, by inserting before the word "payment" the word "cash"

and on page 7, line 10, by inserting before the word "statement" the word "monthly"

and on page 7, line 13, by inserting before the word "request" the word "written"

and on page 7, line 14, by amending "therefore" to read "therefor"

and on page 8, line 2, by striking the words "or less" and inserting before the word "twelve" the words "less than"

and on page 8, line 3, by inserting after the word "twelve" the words "and one-half"

and on page 8, line 5, by striking the words "more than"

and on page 8, line 6, by inserting after the word "months" the words "or more"

and on page 8, line 21, by inserting after word "licensee" the words "unless authorized in writing by the contract debtor".

on page 6, lines 17-18, by striking the words "within five days"

and on page 6, line 18, by inserting after the word "debtor" the words "as soon as reasonably possible"

Agreed.

Representative Morgan moved that **HB 34** as amended be placed upon its passage.

On the roll call the vote was yeas 50—Akers, Alexander, Baker, Bamberger, Blandford, Blythe, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Harper, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, Mershon, Mitchell, Morgan, Prather, Ray, Rickert, Riddle, Russell, Sartin, Saylor, Siemens, Simmons, Tobin, Vanover, White, Wolchik, Wooley, Wright. Nays 2—Hardin, James.

HB 34 as amended was passed and the title agreed to.

Representative Rickert moved that the vote by which **HB 34** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 405:**

Amend printed copy of House Bill 405 on page 2, line 12, by:

deleting the words *"board or group,"* and inserting the word *"or"* before the word *"college"* on line 11.

Agreed.

Representative Morgan moved that **HB 405** as amended be placed upon its passage.

On the roll call the vote was yeas 50—Akers, Alexander, Allen, Baker, Ballenger, Blandford, Coffey, Walter F. Davis, Dawhare, Denham, Floyd, Hampton, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, Mershon, Clarence R. Miller, Mitchell, Morgan, Ray, W. J. Reynolds, Riddle, Sartin, Saylor, Siemens, Tobin, Vanover, Walters, Webster, Wesley, White, Wooley, Wright. Nays 1—James.

HB 405 as amended was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 404:**

Amend printed copy of House Bill 404:

on page 1, line 6, by deleting the words "or division" and by inserting the word "or" before the word "department"

and on page 1, line 7, by deleting the words "or group" and by inserting the word "or" before the word "college"

and on page 3, line 17, by deleting the word "real"

and on page 3, line 19, by changing the period to a comma, and inserting the following words "and KRS Ch. 45."

and on page 3, line 24, by adding the following sentence: "If the creating agency has no officers or governing body other than a single commissioner, the members of the Public Founda-

tion and the members of its Board of Trustees shall be designated by such commissioner."

and on page 4, line 3, by changing the period to a comma, and adding the following words: "and to the contractual obligations of the foundation pertaining to such assets."

and on page 4, line 10, by deleting the words "Public Foundations" and by substituting in lieu thereof the words "Each public foundation"

and on page 5, line 11, by inserting after the word "under" the words ", and shall hereafter be governed by,"

Representative Morgan moved that **HB 404** as amended be placed upon its passage.

On the roll call the vote was yeas 48—Akers, Baker, Ballenger, Blume, Clapp, Cruse, Curlin, Walter F. Davis, Dawhare, Floyd, Hampton, Hardin, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, Johnson, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, McBrayer, McGill, Mershon, Morgan, Ray, W. J. Reynolds, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Tobin, Vanover, Webster, White, Wolchik, Wooley, Wright. Nays 0.

HB 404 as amended was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 250:**

Amend printed copy of House Bill 250:

on page 12, line 25, by inserting after "Section 14." the designation "(1)" and on page 13, by inserting below line 1, the following:

"(2) It is declared to be the legislative intent that the state law shall require disclosure of items of information substantially similar to the requirements of any applicable federal law. To effectuate this intent, notwithstanding any provisions of this Act to the contrary, the Commissioner is specifically authorized, empowered and directed to adopt such interim regulations governing the information to be disclosed and the manner of disclosure so as to assure that the requirements of the state law meet the requirements of such applicable federal law. Such regulations

shall remain in full force and effect until the General Assembly reconvenes and has an opportunity to amend the state law to assure conformity with the applicable federal law."

on page 10, line 25, by: deleting the figure "5" and inserting in lieu thereof the figure "6"

on page 6, line 19, by: substituting a comma for the period and adding the following words: "or of K.R.S. Chapter 226."

Agreed.

Representative Morgan moved that **HB 250** as amended be placed upon its passage.

On the roll call the vote was yeas 53—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Brown, Clapp, Clark, Curlin, James A. Davis, Denham, Greer, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Keene, Keith, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, W. J. Reynolds, Rickert, Riddle, Sartin, Siemens, Simmons, Tobin, Vanover, Webster, White, Wooley. Nays 1—Blythe.

HB 250 as amended was passed and the title agreed to.

Report on Enrolled Bills

The Committee on Enrollment reported **SR 61, SR 17, SR 53, SR 51, SR 29, SB 345, SB 114, SB 365, SB 55, SB 322, SB 70, SB 203, SB 148, SB 333, SB 326, HB 540, HB 166, HB 599, HB 392, HB 603, HB 336, HB 243, HB 502, HB 408, HB 360** and **HR 64** had been examined and found correctly enrolled. **R 61, SR 17, SR 53, SR 51, SR 29, SB 345, SB 114, SB 365, SB 55, SB 322, SB 70, SB 203, SB 148, SB 333, SB 326, HB 540, HB 166, HB 599, HB 392, HB 603, HB 336, HB 243, HB 502, HB 408, HB 360** and **HR 64** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 540, HB 166, HB 599, HB 392, HB 603, HB 336, HB 243, HB 502, HB 408, HB 360 and **HR 64** delivered, signed by President. Ordered delivered to the Governor.

Recess

Representative Morgan moved that the House recess until 7:30 p.m. Agreed.

At the appointed hour, the Speaker Pro Tem resumed the Chair and called the House to order.

Orders of the Day (Cont.)

SB 388 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 46—Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Blythe, Brown, Bruce, Coffey, James A. Davis, Walter F. Davis, Dawhare, Floyd, Halleck, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, McNamara, Mershon, Morgan, Rattliff, Ray, Richey, Russell, Sartin, Schmidt, Simmons, Tobin, Vanover, Webster, Wells, Wooley. Nays 0.

SB 388 was passed and the title agreed to.

SB 367 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 43—Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Blythe, Bruce, Coffey, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Jones, Keene, Kidd, Lankford, Lassiter, Lawson, McNamara, Melton, Mershon, Morgan, Prather, Ray, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Tobin, Vanover, Wells. Nays 2—James, Maddox.

SB 367 was passed and the title agreed to.

SB 405 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it

be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 48—Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Blythe, Brown, Bruce, Coffey, Walter F. Davis, DeMarcus, Denham, Greer, Halleck, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Isler, Jones, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, McBrayer, McNamara, Melton, Mershon, Morgan, Murphy, Prather, Rattliff, Rickert, Riddle, Sartin, Saylor, Schmidt, Tobin, Vanover, Walters, Wells, Wooley. Nays 0.

SB 405 was passed and the title agreed to.

SB 412 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 57—Arnett, Ballenger, Bamberger, Blandford, Blume, Blythe, Brown, Bruce, Clark, Coffey, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Isler, James, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, McBrayer, McNamara, Mershon, Morgan, Murphy, Prather, Rattliff, Ray, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Tobin, Vanover, Webster, Wells, Wooley. Nays 1—Cox.

SB 412 was passed and the title agreed to.

SB 254 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 45—Arnett, Baker, Ballenger, Bamberger, Blume, Brown, Bruce, Clark, Coffey, James A. Davis, Walter F. Davis, Dawhare, Denham, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Maddox, McBrayer, McNamara, Mershon, Morgan, Prather, Ray, Richey, Rickert, Saylor, Schmidt, Siemens, Tobin, Vanover, Webster, White, Wooley. Nays 3—Blandford, Greer, Sartin.

SB 254 was passed and the title agreed to.

Senate Message

SB 116 returned with letter.

Announcing passage of **SB 264** with Amendment, **HR 86, HR 57, HB 125, HB 315, HB 562, HB 563, HB 588, HB 184, HB 214, HB 388, HB 429, HB 456, HB 465, HB 466, HB 474, HB 496, HB 501, HB 517, HB 524, HB 577.**

SB 306 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cox moved that action on **SB 306** be postponed indefinitely.

On the roll call the vote was yeas 20—Baker, Ballenger, Blythe, Cox, Cruse, James A. Davis, DeMarcus, Greer, James, Keene, Kidd, Lawson, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Walers. Nays 44—Allen, Arnett, Blandford, Brown, Bruce, Clark, Coffey, W. F. Davis, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Isler, Jones, Keith, Lankford, Lassiter, Louden, Maddox, McNamara, Melton, Mershon, Morgan, Murphy, Prather, Rattliff, Ray, R. Reynolds, W. J. Reynolds, Riddle, Simmons, Tobin, Vanover, Webster, Wells, White, Wolchik, Wright.

The motion that **SB 306** be postponed indefinitely was rejected.

On the roll call the vote was yeas 46—Arnett, Bamberger, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Denham, Floyd, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Isler, Jones, Justice, Keith, Kidd, Lankford, Lassiter, Louden, Maddox, May, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Morgan, Murphy, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Riddle, Simmons, Smith, Tobin, Webster, Wells, White, Wright. Nays 31—Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Cox, J. A. Davis, W. F. Davis, DeMarcus, Greer, Halleck, Harper,

Hoe, Hoffman, Keene, Kessinger, King, Lawson, Pettit, Richey, Rickert, Russell, Schmidt, Siemens, Stuart, Vanover, Walters, Wesley, Wheeler, Wooley.

SB 306 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 306** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 403 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Arnett, Baker, Blandford, Blume, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, James, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

SB 403 was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **SB 264**:

Amend printed copy of Senate Bill 264 on page 9, line 8, by:

deleting the word "effect" and substituting therefore the word "affect".

Agreed.

Representative Morgan moved that **SB 264** as amended be placed upon its passage.

On the roll call the vote was yeas 47—Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Blythe, Bruce, Clapp, Coffey, Cox, James A. Davis, Walter F. Davis, Denham, Greer, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Isler, James, Johnson, Jusice, Keene, Kidd, Lassiter, Lawson, McGill, Mershon,

Morgan, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Schmidt, Siemens, Smith, Tobin, Vanover, Wheeler, White, Wooley. Nays 0.

SB 264 as amended was passed and the title agreed to.

Representative Morgan moved that the House recede from the House Amendment to **SB 116** and pass **SB 116** without amendment.

On the roll call the vote was yeas 49—Arnett, Ballenger, Bamberger, Blume, Carroll, Cruse, Walter F. Davis, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Isler, Johnson, Jones, Keith, Kidd, King, Lassiter, Lawson, Massey, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Rattliff, Ray, Russell Reynolds, Sartin, Saylor, Schmidt, Stuart, Tobin, Vanover, Walters, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 9—Baker, Blythe, DeMarcus, Denham, Huff, James, Keene, Prather, Rickert.

SB 116 was passed and the title agreed to.

SB 385 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 61—Arnett, Ballenger, Bamberger, Blume, Brown, Bruce, Carroll, Clapp, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, Johnson, Jones, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Massey, May, McGill, McKinney, Mershon, Mitchell, Morgan, Murphy, Pettit, Rattliff, Ray, Russell Reynolds, Richey, Riddle, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Wells, Wheeler, White, Wolchik, Wooley, Nays 0.

SB 385 was passed and the title agreed to.

Representative Morgan moved that **SB 398** be substituted for **HB 596.** Agreed.

SB 398 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that

it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 39—Akers, Allen, Ballenger, Bamberger, Blume, Brown, Carroll, Cox, Cruse, Hinkle, Hoe, Holbrook, Hopkins, Hunt, Johnson, Keene, Keith, Kidd, Lankford, Louden, Massey, May, McGill, McNamara, Mershon, Morgan, Pettit, W. J. Reynolds, Richey, Riddle, Russell, Saylor, Schmidt, Simmons, Smith, Tobin, Vanover, Wells, Wright. Nays 29—Baker, Ball, Blandford, Clark, W. F. Davis, DeMarcus, Denham, Floyd, Greer, Henry, Huff, Isler, James, Jones, King, Lassiter, Lawson, Maddox, Melton, C. R. Miller, Mitchell, Murphy, Prather, Ray, R. Reynolds, Rickert, Sartin, Walters, Webster.

SB 398 was defeated.

Representative King moved that the vote by which **SB 398** was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Murphy moved that the Rules be suspended to take **SB 29** from the Committee on Rules, and post it for passage.

On the roll call the vote was yeas 55—Akers, Bamberger, Blandford, Bleemel, Blume, Carroll, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Floyd, Halleck, Henry, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, Jones, Justice, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, McGill, McKinney, Melton, Mershon, Clarence R. Miller, Morgan, Murphy, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Sartin, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wheeler, White, Wolchik. Nays 0.

The motion that the Rules be suspended was adopted.

On the roll call the vote was yeas 55—Akers, Bamberger, Blandford, Blume, Bowles, Brown, Carroll, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Floyd, Halleck, Henry, Hoffman, Holbrook, Hopkins, Huff, Isler, Johnson, Jones, Justice, Kidd, King, Lankford, Lassiter, Lawson, Louden, McBrayer, McGill, McKinney, Melton, Mershon, Clarence R. Miller,

Murphy, Pettit, Prather, Rattliff, Ray, Russell, Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, White, Wolchik. Nays 0.

The motion that **SB 29** be taken from the Committee on Rules posted for passage was adopted.

Senate Message

Announcing passage of **HR 50, HR 65, HB 218, HB 475** and **HB 476.**

SB 293 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Akers, Arnett, Baker, Ball, Ballenger, Blume, Brown, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Halleck, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Isler, James, Jones, Justice, Keene, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, McBrayer, McGill, McKinney, Mershon, Morgan, Murphy, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Riddle, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Wells, Wheeler, White, Wolchik, Wooley. Nays 4—Huff, Pettit, Prather, Rickert.

SB 293 was passed and the title agreed to.

SB 269 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 46—Akers, Ballenger, Bamberger, Blume, Blythe, Bowles, Brown, Carroll, Clark, Cox, Dawhare, DeMarcus, Floyd, Henry, Hoffman, Hopkins, Hunt, James, Johnson, Jones, Justice, Keene, Louden, Massey, McGill, McKinney, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, Rattliff, W. J. Reynolds, Richey, Sartin, Simmons, Smith,

Stuart, Tobin, Walters, Webster, Wells, Wesley, Wheeler, Wooley, Wright. Nays 27—Arnett, Baker, Ball, Clapp, Coffey, Denham, Greer, Hinkle, Holbrook, Huff, Isler, Kessinger, King, Lankford, Lawson, Maddox, McBrayer, McNamara, Melton, Murphy, Prather, Ray, R. Reynolds, Rickert, Siemens, Vanover, White.

SB 269 was passed and the title agreed to.

Representative Hoffman moved that the vote by which **SB 269** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Walters moved that the Rules be suspended to make a motion that **SB 340** be taken from the Committee on Rules.

On the roll call the vote was yeas 39—Allen, Arnett, Ball, Blandford, Bleemel, Blume, Brown, Carroll, Dawhare, Henry, Hoffman, Holbrook, Hopkins, Hunt, Isler, James, Johnson, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Massey, May, McBrayer, McKinney, McNamara, Mershon, Mitchell, Murphy, Pettit, Ray, W. J. Reynolds, Siemens, Tobin, Walters, Webster. Nays 24—Akers, Baker, Coffey, Cox, Cruse, W. F. Davis, Floyd, Greer, Halleck, Hinkle, Keith, Lawson, Louden, Melton, Morgan, Rickert, Sartin, Schmidt, Smith, Vanover, Wesley, Wheeler, Wolchik, Wright.

The motion that the Rules be suspended was rejected.

SB 29 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 52—Akers, Alexander, Arnett, Ball, Bamberger, Blandford, Blume, Brown, Carroll, Coffey, Cox, Cruse, Halleck, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Isler, James, Johnson, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Lawson, Louden, May, McKinney, Melton, Mershon, Clarence R. Miller, Morgan, Murphy, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Siemens, Smith, Tobin, Vanover, Webster, Wheeler, White, Wolchik. Nays 0.

SB 29 was passed and the title agreed to.

Report on Enrolled Bills

The Commitee on Enrollment reported **SB 142, SB 171, SB 105, SB 45, SB 275, SB 392, SB 372, SB 290, SB 99, SB 312, SB 117, SB 197, SB 177, SB 301, SB 173, SB 191, SB 122, SB 176, SB 118, SB 218, SB 252** and **SB 208** had been examined and found correctly enrolled. **SB 142, SB 171, SB 105, SB 45, SB 275, SB 392, SB 372, SB 290, SB 99, SB 312, SB 117, SB 197, SB 177, SB 301, SB 173, SB 191, SB 122, SB 176, SB 118, SB 218, SB 252** and **SB 208** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (Cont.)

SB 169 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Blume, Blythe, Brown, Bruce, Clark, Coffey, Cox, Walter F. Davis, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Isler, James, Johnson, Jones, Justice, Keene, Keith, King, Lankford, Louden, Maddox, Massey, May, McNamara, Melton, Clarence R. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Schmidt, Siemens, Simmons, Vanover, Webster, Wooley. Nays 0.

SB 169 was passed and the title agreed to.

SB 347 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 63—Akers, Alexander, Arnett, Baker, Ballenger, Blandford, Blythe, Bruce, Clark, Coffey, Cox, Cruse, Walter F. Davis, Denham, Floyd, Halleck, Harper,

Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Louden, Maddox, Massey, May, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Schmidt, Siemens, Simmons, Tobin, Vanover, Wells, White, Wolchik, Wooley, Wright. Nays 0.

SB 347 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 347** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 289 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 52—Akers, Alexander, Arnett, Baker, Blandford, Clark, Coffey, Cox, Denham, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Keene, Keith, King, Lankford, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Melton, Mershon, Mitchell, Morgan, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Schmidt, Stuart, Tobin, Walters, Wells, White, Wooley. Nays 2—Cruse, Wolchik.

SB 289 was passed and the title agreed to.

SB 331 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56—Akers, Alexander, Arnett, Baker, Blandford, Blume, Blythe, Bruce, Clark, Coffey, Cox, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Mershon, Mitchell, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J.

Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Simmons, Tobin, Wells, White. Nays 1—Walters.

SB 331 was passed and the title agreed to.

Representative Ray moved that the Rules be suspended to take **SB 247** from the Committee on Rules and post it for passage.

On the roll call the vote was yeas 51—Arnett, Blandford, Blume, Carroll, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hardin, Hoffman, Holbrook, Hopkins, Hunt, Isler, James, Justice, Kidd, King, Lankford, Lawson, Louden, May, McKinney, McNamara, Melton, Mershon, Morgan, Murphy, Prather, Ray, Russell Reynolds, Richey, Rickert, Riddle, Sartin, Siemens, Simmons, Smith, Vanover, Walters, Webster, White, Wolchik. Nays 8—Akers, Baker, Bamberger, Brown, Maddox, Massey, Schmidt, Stuart.

The motion that the Rules be suspended was adopted.

On the roll call the vote was yeas 52—Arnett, Blandford, Blume, Carroll, Clapp, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Floyd, Halleck, Hardin, Hoffman, Holbrook, Hopkins, Hunt, Isler, James, Johnson, Jones, Justice, Kidd, King, Lankford, Lawson, Louden, May, McBrayer, McKinney, Melton, Mershon, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, Richey, Riddle, Sartin, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wheeler, White, Wolchik. Nays 8—Akers, Baker, Bamberger, Massey, C. R. Miller, Russell, Schmidt, Stuart.

The motion that **SB 247** be taken from the Committee on Rules and posted for passage was adopted.

SB 247 ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 46—Alexander, Arnett, Blandford, Blume, Carroll, Clapp, Cox, Cruse, Walter F. Davis, Floyd, Halleck, Hardin, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Justice, Kidd, King, Lankford, Lawson, Louden, May, McKinney, McNamara, Melton, Mershon, Morgan, Murphy, Prather, Ray, Russell Reynolds, Richey, Rickert, Sartin,

Siemens, Simmons, Smith, Vanover, Webster, Wheeler, White, Wolchik. Nays 9—Akers, Baker, Ballenger, Blythe, DeMarcus, Denham, Massey, Schmidt, Stuart.

SB 247 was passed and the title agreed to.

Representative Morgan moved that the Rules be suspended for Committee on Rules report. Agreed.

Report of Committees

The Committee on Rules reported **SB 283, SB 172, SB 2, SB 85, SB 64, SB 274, SB 166, SB 379, SB 92, SB 299, SB 300, SB 375, SB 292, SB 90, SB 261, SB 276, SB 80, SB 156, SB 112, SB 302, SB 342, SR 46, SR 52** and **SB 75** with the expression of opinion that the same should pass.

Senate Message

Announcing passage of **HB 2** with Amendment, **HB 15, HB 228, HB 410** and **HB 460.**

Orders of the Day (Cont.)

SB 280 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Akers, Alexander, Arnett, Baker, Ball, Blandford, Blume, Blythe, Bruce, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Justice, Keene, Keith, Lankford, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Melton, Mershon, Mitchell, Morgan, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wheeler, White, Wooley. Nays 0.

SB 280 was passed and the title agreed to.

SB 363 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon is passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 63—Akers, Alexander, Arnett, Baker, Ball, Blandford, Blume, Blythe, Bruce, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Isler, James, Johnson, Jones, Keene, Keith, King, Lankford, Lawson, Louden, Massey, May, McNamara, Melton, Mershon, Mitchell, Morgan, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

SB 363 was passed and the title agreed to.

SB 242 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Huff moved that **SB 242** be postponed indefinitely.

On the roll call the vote was yeas 35—Alexander, Arnett, Ball, Bruce, Clark, Coffey, Cox, Walter F. Davis, DeMarcus, Denham, Floyd, Henry, Hinkle, Hoe, Holbrook, Huff, Hunt, James, Justice, Keith, Lankford, Maddox, May, McNamara, Prather, Richey, Rickert, Riddle, Sartin, Simmons, Walters, Webster, Wells, Wesley, Wheeler. Nays 33—Akers, Baker, Ballenger, Bamberger, Blandford, Blume, Blythe, Cruse, Greer, Halleck, Harper, Isler, Johnson, Jones, Keene, Kidd, King, Lawson, McKinney, Mershon, C. R. Miller, Mitchell, Murphy, Ray, R. Reynolds, W. J. Reynolds, Russell, Schmidt, Siemens, Smith, Stuart, Wooley, Wright.

The motion that **SB 242** be postponed indefinitely was adopted.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 2**:

Amend printed copy of House Bill 2 on page 1, lines 2 to 4, by:

deleting all words after "Section 2." and substituting therefor the following:

"In divorce actions in which children who are the issue of the marriage are involved no testimony other than on temporary motions shall be taken or heard before sixty (60) days have elapsed from the date of service of summons or the appointment of a warning order attorney."

Representative Harper moved that the Senate Amendment to **HB 2** be laid on the table.

On the roll call the vote was yeas 29—Arnett, Ball, Blandford, Brown, Cruse, Walter F. Davis, DeMarcus, Denham, Floyd, Harper, Hinkle, Huff, Isler, James, Jones, King, Lawson, Maddox, McNamara, Murphy, Russell Reynolds, Riddle, Sartin, Schmidt, Simmons, Smith, Wheeler, Wolchik, Wooley. Nays 37—Akers, Alexander, Baker, Ballenger, Carroll, Clark, Cox, J. A. Davis, Hardin, Henry, Hoe, Hoffman, Holbrook, Hopkins, Johnson, Keith, Kidd, Lankford, Louden, May, McBrayer, McKinney, Mitchell, Pettit, Prather, Rattliff, Ray, Rickert, Russell, Stuart, Tobin, Vanover, Walters, Webster, Wesley, White, Wright.

The motion that the Senate Amendment to **HB 2** be tabled was defeated.

On the roll call the vote was yeas 33—Akers, Baker, Blythe, Brown, Clark, Cox, James A. Davis, Hardin, Henry, Hoe, Hoffman, Hopkins, Hunt, James, Johnson, Keith, Lankford, Louden, Massey, May, McBrayer, Mitchell, Pettit, Ray, W. J. Reynolds, Rickert, Russell, Tobin, Walters, Webster, Wesley, White, Wright. Nays 41—Alexander, Arnett, Ball, Ballenger, Blandford, Bleemel, Blume, Coffey, Cruse, W. F. Davis, DeMarcus, Denham, Floyd, Halleck, Harper, Hinkle, Holbrook, Huff, Isler, Jones, Keene, Kessinger, King, Lawson, Maddox, McNamara, Melton, Murphy, Prather, R. Reynolds, Riddle, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Wells, Wheeler, Wolchik.

The motion that the House concur in the Senate Amendment to **HB 2** was defeated.

Representative McBrayer requested that the Senate be asked to recede from its Amendment to **HB 2.** Agreed.

Senate Message

Announcing passage of **HB 110** with Amendment.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 533, HB 577, HB 250, HB 34, HB 404, HB 405, HB 543, HB 218, HB 184, HB 562, HB 474, HB 563, HB 429, HB 501, HB 476, HB 456, HB 475, HB 315, HB 214, HR 65, HR 50, HB 310, HB 559, HB 308, HB 466, HB 524, HB 517, HB 420, HB 465, HB 388, HB 588, HB 496, HB 125, HR 57** and **HR 86** had been examined and found correctly enrolled. **HB 533, HB 577, HB 250, HB 34, HB 404, HB 405, HB 543, HB 218, HB 184, HB 562, HB 474, HB 563, HB 429, HB 501, HB 476, HB 456, HB 475, HB 315, HB 214, HR 65, HR 50, HB 310, HB 559, HB 308, HB 466, HB 524, HB 517, HB 420, HB 465, HB 388, HB 588, HB 496, HB 125, HR 57** and **HR 86** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 533, HB 577, HB 250, HB 34, HB 404, HB 405, HB 543, HB 218, HB 184, HB 562, HB 474, HB 563, HB 429, HB 501, HB 476, HB 456, HB 475, HB 315, HB 214, HR 65, HR 50, HB 310, HB 559, HB 308, HB 466, HB 524, HB 517, HB 420, HB 465, HB 388, HB 588, HB 496, HB 125, HR 57, and **HR 86** delivered, signed by President. Ordered delivered to the Governor.

Orders of the Day (Cont.)

SB 315 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved that **SB 315** be laid on the Clerk's desk. Rejected.

Representative Walters moved the adoption of the following Amendment to **SB 315**:

Amend printed copy of Senate Bill 315 on page 1, lines 1 to 13, by striking out all of said lines and on page 2, by striking out all of lines 1 to 8 and by inserting in lieu thereof the following:

"Section 1. Section 171.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 171.410 to 171.740 the word "records" means all books, papers, maps, photographs, and other documentary materials, regardless of physical form or characteristics, made or received by an agency of the state government in pursuance of the state law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the informational value of data contained therein.

[(2) As used in KRS 171.410 to 171.740, "Archives and Records Service", "service", "Director of the Archives and Records Service" and "director" mean "Department of Finance".]

(3) As used in KRS 171.450, 171.460, 171.470, 171.480, 171.500, 171.510, 171.520, 171.530, 171.540, 171.550, 171.560, 171.570, 171.580, 171.590, 171.600, 171.610, 171.620, 171.630, 171.660 and 171.680, "State Archives and Records Commission" and "commission" mean "Department of Finance".]

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The State Archives and Records Commission, hereinafter referred to in this Act as the commission, is hereby created and shall be a nine member body constituted as follows: Three members appointed by the Governor from the state-at-large, one member appointed by the Governor from a list of three persons submitted by the president of the University of Kentucky, one member appointed by the Governor from a list of three persons submitted by the president of the University of Louisville, one member appointed by the Governor from a list of five persons with one name submitted by each of the presidents of the state colleges, the Attorney General of the Commonwealth, and one each appointed by the Governor from a list of three persons

submitted by the Kentucky Historical Society and the Filson Club respectively; provided that three of the initial appointments under this Act shall be for a term of four years, and two appointments each shall be for terms of three, two, and one years, respectively. The Governor shall designate a chairman from among the commission membership. Vacancies shall be filled by the Governor in the same manner as initial appointments are made. All members shall serve for a term of four years. The commission shall appoint a Director of the Archives and Records Service, hereinafter referred to as the director, who shall act as secretary. The director shall not be a member of the commission nor shall he have a right to vote on commission measures. The director shall serve at the pleasure of the commission.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

There is hereby created an Archives and Records Service. A professionally qualified director and associate director of the Archives and Records Service shall be appointed by the commission and shall receive such compensation for their services as is determined and fixed by the commission. The director shall have over-all administrative responsibility for the Archives and Records Service. The director may employ such personnel, purchase such equipment, and provide such facilities as may be required in the execution of the powers conferred and duties imposed upon the commission.

Section 4. Section 171.420 of the Kentucky Revised Statutes is repealed."

Agreed.

On the roll call the vote was yeas 38—Ball, Ballenger, Bleemel, Clark, James A. Davis, Walter F. Davis, Dawhare, Floyd, Harper, Hoe, Hoffman, Holbrook, Huff, Hunt, Isler, Johnson, Jones, Justice, King, Lawson, Maddox, Massey, Melton, Morgan, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Sartin, Schmidt, Siemens, Smith, Tobin, Walters, Webster, White, Wooley. Nays 21—Akers, Alexander, Baker, Blume, Brown, Cox, DeMarcus, Denham, Greer, Halleck, Henry, Hinkle, James, Keene, Keith, Lankford, Louden, Mitchell, Prather, Rickert, Wells.

SB 315 was defeated.

SB 384 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **SB 384** be laid on the table.

On the roll call the vote was yeas 35—Alexander, Arnett, Blandford, Bleemel, Blume, Brown, Bruce, Cruse, Walter F. Davis, Dawhare, Floyd, Halleck, Hinkle, Hoffman, Holbrook, Hunt, Isler, Justice, Keith, King, Lankford, Louden, Maddox, Morgan, Murphy, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Sartin, Siemens, Tobin, Vanover, Walters, Webster. Nays 25—Akers, Baker, Ball, Blythe, J. A. Davis, Denham, Greer, Harper, Henry, Hoe, Huff, Johnson, Keene, Lawson, McKinney, Pettit, Prather, Richey, Riddle, Russell, Schmidt, Simmons, Wesley, White, Wooley.

SB 384 was tabled.

SB 381 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 57—Akers, Alexander, Arnett, Baker, Ballenger, Blandford, Bleemel, Blythe, Brown, Bruce, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Floyd, Greer, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Huff, Isler, Jones, Justice, Keene, Keith, King, Lankford, Louden, Massey, May, McNamara, Melton, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Schmidt, Siemens, Tobin, Vanover, Webster, Wheeler, White, Wolchik. Nays 0.

SB 381 was passed and the title agreed to.

SB 172 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blythe, Carroll, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Justice, Keene, Keith, Lankford, Lawson, Maddox, May, Melton, Mitchell, Morgan, Murphy, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Sartin, Schmidt, Simmons, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley. Nays 1—King.

SB 172 was passed and the title agreed to.

SB 223 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Alexander, Arnett, Baker, Ballenger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clark, Coffey, Cox, James A. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Justice, Keith, King, Lankford, Lawson, Louden, Massey, May, McNamara, Melton, Mitchell, Morgan, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wheeler, White, Wooley, Wright. Nays 1—Wolchik.

SB 223 was passed and the title agreed to.

SB 343 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cox, Walter F. Davis, Dawhare, Denham, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Keene, Keith, Lankford, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Melton, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell, Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt,

Siemens, Simmons, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

SB 343 was passed and the title agreed to.

Representative Morgan moved that the Rules be suspended for Introduction of Bills and Resolutions: Agreed.

Introduction of Bills and Resolutions

HR 117, by Representatives Blythe and Pettit: A RESOLUTION congratulating the University of Kentucky.

WHEREAS, the University of Kentucky has defeated Marquette University by a score of 107 to 89; and

WHEREAS, the University of Kentucky has advanced to the regional finals of the Mideast Region; and

WHEREAS, the pride of the Commonwealth now rests upon the talented shoulders of this fine Kentucky ball club;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That this House of Representatives congratulates the University of Kentucky on its fine victory tonight and wishes the team good fortune against Ohio State.

Representative Blythe moved the adoption of **HR 117.** Agreed.

All members names were added as co-sponsors of **HR 117.**

Orders of the Day (Cont.)

SB 329 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 54—Arnett, Ball, Ballenger, Bleemel, Blume, Brown, Clapp, Clark, Cox, Cruse, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Harper,

Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Isler, Jones, Keene, Keith, King, Lankford, Lawson, Louden, Massey, May, McNamara, Melton, Mershon, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W.J. Reynolds, Rickert, Riddle, Schmidt, Siemens, Stuart, Tobin, Vanover, Wheeler, Wooley. Nays 2—Blandford, James.

SB 329 was passed and the title agreed to.

SB 297 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Floyd, Greer, Halleck, Harper, Hoe, Holbrook, Huff, Hunt, Isler, James, Jones, Keith, King, Lankford, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Melton, Mershon, Mitchell, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Tobin, Vanover, Wheeler, White, Wooley, Wright. Nays 0.

SB 297 was passed and the title agreed to.

SB 308 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59—Akers, Alexander, Arnett, Baker, Ballenger, Bleemel, Blume, Blythe, Brown, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Justice, Keith, King, Lankford, Lawson, Louden, Massey, May, McKinney, McNamara, Mershon, Mitchell, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Wheeler, White, Wolchik, Wooley. Nays 0.

SB 308 was passed and the title agreed to.

SB 291 taken from Orders of the Day and ordered read at

length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 63—Akers, Arnett, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Justice, Keene, Kessinger, King, Lankford, Lawson, Louden, Massey, May, McNamara, Mershon, Mitchell, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Wheeler, White, Wolchik, Wooley. Nays 0.

SB 291 was passed and the title agreed to.

SB 364 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Brown, Clark, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, King, Lankford, Lawson, Louden, Massey, May, McKinney, McNamara, Melton, Mershon, Mitchell, Morgan, Peace, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Tobin, Vanover, Wheeler, White, Wooley. Nays 0.

SB 364 was passed and the title agreed to.

Senate Message

Announcing passage of **HB 148, HB 172, HB 300, HB 354, HB 409, HB 575, HB 307** and **HR 84.**

Orders of the Day (Cont.)

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 110:**

Amend printed copy of House Bill 110 on page 1, line 9, by:

deleting the figure "$900." and substituting therefor the figure "$740", and on page 1, line 10, by

deleting the figure "$1200." and substituting therefor the figure "$980.", and on page 2, line 1, by

deleting the figure "$1100" and by substituting therefor the figure "$900." and on page 2, line 3, by

deleting the figure "$1500." and substituting therefor the figure "$1140."

on page 2, by adding below line 22 the following:

"Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

An amount of money not in excess of the amount derived from this Act shall be appropriated from the General Fund to a higher education contingency fund in addition to the Governor's contingency fund, to be expended by the Governor for the use and benefit of higher education."

Agreed.

Representative Morgan moved that **HB 110** as amended be placed upon its passage.

On the roll call the vote was yeas 55—Alexander, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Bruce, Clapp, Cox, Dawhare, Floyd, Greer, Harper, Henry, Hoe, Hopkins, Huff, Hunt, Isler, James, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Louden, Maddox, May, Melton, Mershon, Mitchell, Morgan, Murphy, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Siemens, Smith, Stuart, Tobin, Vanover, Webster, Wesley, Wolchik, Wright. Nays 11—Arnett, Brown, W. F. Davis, Denham, Holbrook, Kessinger, Lawson, Massey, Pettit, Schmidt, Wheeler.

HB 110 as amended was passed and the title agreed to.

SB 404 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Alexander, Arnett, Ball, Ballenger, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, James, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, Wooley. Nays 0.

SB 404 was passed and the title agreed to.

SB 279 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 41—Baker, Ball, Ballenger, Bleemel, Blume, Blythe, James A. Davis, Dawhare, Harper, Hinkle, Hoe, Hunt, Isler, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, McKinney, Mershon, Mitchell, Morgan, Murphy, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, White, Wooley. Nays 6—Alexander, Arnett, DeMarcus, Henry, Hopkins, James.

SB 279 was passed and the title agreed to.

SB 141 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 46—Alexander, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Bruce, Clapp, Dawhare, Harper, Henry, Hinkle, Hoe, Hopkins, Huff, Hunt, Isler, James, Johnson, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Maddox, Massey, May, McKinney, McNamara, Mershon, Mitchell, Morgan, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Wooley. Nays 3—Clark, Jones, Melton.

SB 141 was passed and the title agreed to.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 306, SB 412, SB 385, SB 254, SB 388, SB 405, SB 125, SB 116, SB 264, SB 289, SB 169, SB 367, SB 269, SB 331, SB 347, SB 29, SB 321, SB 293** and **SB 403** had been examined and found correctly enrolled. **SB 306, SB 412, SB 385, SB 254, SB 388, SB 405, SB 125, SB 116, SB 264, SB 289, SB 169, SB 367, SB 269, SB 331, SB 347, SB 29, SB 321, SB 293** and **SB 403** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Senate Message

HB 2 was returned with letter.

Orders of the Day (Cont.)

SB 160 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 51—Alexander, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Clark, Cruse, Walter F. Davis, Dawhare, Denham, Henry, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Keith, Kidd, Lankford, Lawson, Louden, Maddox, Massey, May, McKinney, Mershon, Mitchell, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Riddle, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wheeler, White, Wolchik, Wooley, Wright. Nays 3—James, Kessinger, King.

SB 160 was passed and the title agreed to.

Representative Prather moved that consideration of **SB 75** be deferred. Agreed.

SB 283 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmidt moved that the vote by which the Amendment to **SB 283** was rejected be reconsidered. Agreed.

Representative Schmidt moved that the Amendment to **SB 283** be adopted. Agreed.

On the roll call the vote was yeas 50—Allen, Ball, Bamberger, Blandford, Blume, Carroll, Clapp, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Justice, Keene, Keith, Lassiter, McGill, Melton, Robert L. Miller, Ray, W. J. Reynolds, Riddle, Russell, Saylor, Siemens, Smith, Walters, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 11—Akers, Arnett, Baker, Bleemel, Kidd, King, Pettit, Richey, Schmidt, Stuart, Tobin.

SB 283 as amended was passed and the title agreed to.

SB 2 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55—Alexander, Arnett, Ball, Blandford, Bleemel, Blume, Blythe, Carroll, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Justice, Kessinger, Kidd, Lankford, Lawson, Louden, Maddox, May, McNamara, Mershon, Morgan, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Siemens, Tobin, Vanover, Webster, Wesley, White, Wooley. Nays 0.

SB 2 was passed and the title agreed to.

SB 85 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56—Alexander, Arnett, Ball, Blandford, Bleemel, Blume, Blythe, Clark, Coffey, Cox, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck,

Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Johnson, Jones, Keith, Kidd, Lankford, Lawson, Louden, Maddox, Massey, McNamara, Mershon, Mitchell, Morgan, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Siemens, Simmons, Tobin, Vanover, Webster, Wesley, White, Wolchik, Wooley. Nays 0.

SB 85 was passed and the title agreed to.

SB 75 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55—Alexander, Arnett, Baker, Ball, Blandford, Bleemel, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, DeMarcus, Denham, Floyd, Halleck, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, May, McKinney, McNamara, Melton, Morgan, Pettit, Prather, Rattliff, Russell Reynolds, Richey, Rickert, Sartin, Simmons, Stuart, Tobin, Wesley, Wheeler, White, Wooley. Nays 8—Blume, W. F. Davis, Harper, Mershon, Ray, Siemens, Vanover, Wolchik.

SB 75 was passed and the title agreed to.

The Conference Committee reported a request that the House and Senate concur in **HB 2** as reported from the Senate to the House, as amended.

Representative Morgan moved that the House concur in the Senate Amendment to **HB 2.**

On the roll call the vote was yeas 32—Baker, Ballenger, Carroll, Clark, Cox, James A. Davis, Henry, Hoe, Hoffman, Hunt, James, Johnson, Keene, Louden, May, McBrayer, Mershon, Mitchell, Pettit, Rattliff, Ray, W. J. Reynolds, Rickert, Russell, Simmons, Tobin, Vanover, Webster, Wesley, White, Wooley, Wright. Nays 30—Arnett, Ball, Blandford, Bleemel, Blume, Clapp, Coffey, W. F. Davis, DeMarcus, Denham, Floyd, Halleck, Harper, Hinkle, Huff, Isler, Kessinger, King, Lankford, Lawson, Maddox, McNamara, Melton, Prather, R. Reynolds, Sartin, Schmidt, Siemens, Wheeler, Wolchik.

The motion that the House concur in the Senate Amendment to **HB 2** was adopted.

Representative Morgan moved that **HB 2** as amended be placed upon its passage.

On the roll call the vote was yeas 40—Baker, Ballenger, Blume, Blythe, Carroll, Clark, Cox, Cruse, Curlin, James A. Davis, Henry, Hoe, Hoffman, Hunt, James, Johnson, Keene, Keith, Kessinger, Lankford, Louden, May, McBrayer, McKinney, Mitchell, Pettit, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Simmons, Tobin, Vanover, Webster, Wesley, White, Wooley, Wright. Nays 30—Alexander, Arnett, Ball, Blandford, Bleemel, Clapp, Coffey, W. F. Davis, DeMarcus, Denham, Floyd, Greer, Harper, Hinkle, Holbrook, Huff, Isler, Jones, King, Lawson, Maddox, McNamara, Mershon, Murphy, R. Reynolds, Riddle, Schmidt, Siemens, Wheeler, Wolchik.

HB 2 as amended was passed and the title agreed to.

Representative McBrayer moved that the vote by which **HB 2** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 64 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members eleced.

On the roll call the vote was yeas 51—Alexander, Ball, Blandford, Bleemel, Blume, Blythe, Clapp, Clark, Coffey, Cruse, Walter F. Davis, Dawhare, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Jones, Keene, Kessinger, Kidd, Lankford, Lawson, Louden, May, McKinney, McNamara, Mershon, Mitchell, Morgan, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Siemens, Tobin, Vanover, Webster, Wesley, Wheeler, Wolchik, Wooley. Nays 2—DeMarcus, Denham.

SB 64 was passed and the title agreed to.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 247, SB 363** and

280 had been examined and found correctly enrolled. **SB 247, SB 363,** and **SB 280** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

SB 286 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 50—Akers, Alexander, Arnett, Baker, Ballenger, Bleemel, Blume, Clark, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Keith, Kidd, King, Lankford, Lawson, Louden, Maddox, Mershon, Mitchell, Morgan, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Siemens, Stuart, Tobin, Vanover, Webster, Wesley, White, Wooley. Nays 0.

SB 286 was passed and the title agreed to.

SB 274 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 46—Alexander, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Carroll, Clark, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, Keene, Keith, Kidd, Lankford, Lawson, Louden, McNamara, Melton, Mershon, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wesley, White, Wolchik, Wooley. Nays 0.

SB 274 was passed and the title agreed to.

SB 166 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 48—Alexander, Baker, Ballenger, Bleemel, Blume, Clark, Cox, Cruse, Dawhare, DeMarcus, Greer, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hop-

kins, Huff, Hunt, Isler, Keith, Kidd, King, Lankford, Lawson, Louden, May, McNamara, Mershon, Mitchell, Morgan, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Schmidt, Siemens, Tobin, Vanover, Webster, Wesley, White, Wolchik, Wooley. Nays 3—Blandford, Blythe, Denham.

SB 166 was passed and the title agreed to.

SB 379 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 57—Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Clark, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Isler, Jones, Keene, Keith, Kidd, King, Lankford, Lawson, Louden, Maddox, McKinney, McNamara, Mershon, Mitchell, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wesley, White, Wolchik, Wooley. Nays 0.

SB 379 was passed and the title agreed to.

SB 92 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 45—Akers, Ball, Ballenger, Bleemel, Blume, Clark, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Greer, Halleck, Harper, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, Keene, Keith, Kidd, King, Lankford, Lawson, Louden, May, McNamara, Mershon, Mitchell, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Riddle, Sartin, Schmidt, Siemens, Tobin, Vanover, Webster, Wesley. Nays 1—Kessinger.

SB 92 was passed and the title agreed to.

Representative Melton moved that the vote by which **SB 398** was defeated be reconsidered.

On the roll call the vote was yeas 26—Ball, Ballenger, Clark, Cox, Cruse, James A. Davis, Harper, Henry, Hoe, Hoffman,

Johnson, Jones, Keene, Lawson, McKinney, Melton, Prather, W. J. Reynolds, Richey, Rickert, Sartin, Stuart, Tobin, Vanover, Wolchik, Wright. Nays 13—Alexander, Baker, Blandford, W. F. Davis, Floyd, Greer, Hinkle, Huff, Justice, Keith, King, Louden, Wesley.

The motion that the vote by which **SB 398** was defeated be reconsidered was rejected.

SB 299 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58—Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Cruse, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, May, McKinney, McNamara, Mershon, Mitchell, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Siemens, Simmons, Stuart, Tobin, Webster, Wesley, Wheeler, White, Wolchik, Wooley. Nays 1—Ray.

SB 299 was passed and the title agreed to.

SB 300 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56—Alexander, Arnett, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Clark, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Henry, Hinkle, Hoe, Hopkins, Huff, Hunt, Isler, Jones, Keith, Kessinger, Kidd, King, Lankford, Louden, Maddox, McKinney, McNamara, Mershon, Mitchell, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Tobin, Vanover, Webster, Wesley, White, Wolchik, Wooley. Nays 0.

SB 300 was passed and the title agreed to.

SB 375 taken from Orders of the Day and ordered read at

length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 58—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Clark, Coffey, Cruse, Walter F. Davis, DeMarcus, Denham, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Isler, Jones, Keith, Kessinger, King, Lankford, Lawson, Louden, Maddox, May, McNamara, Melton, Mershon, Mitchell, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wheeler, White, Wolchik, Wooley. Nays 0.

SB 375 was passed and the title agreed to.

SB 90 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 48—Akers, Alexander, Ballenger, Bleemel, Blume, Blythe, Clark, James A. Davis, Walter F. Davis, Dawhare,Denham, Harper, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Isler, Keith, King, Lankford, Lawson, Louden, McNamara, Mershon, Robert L. Miller, Mitchell, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

SB 90 was passed and the title agreed to.

SB 261 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 47—Alexander, Baker, Ballenger, Blume, Blythe, Clark, Cox, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Isler, James, Keene, Keith, Kidd, Lankford, Lawson, Louden, Maddox, McNamara, Mershon, Mitchell, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Russell,

Sartin, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, White, Wooley. Nays 2—Kessinger, King.

SB 261 was passed and the title agreed to.

SB 292 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 48—Akers, Alexander, Baker, Ballenger, Blume, Blythe, Clark, Cox, Dawhare, Denham, Henry, Hoe, Hoffman, Huff, Isler, James, Jones, Keith, Kidd, King, Lankford, Louden, McBrayer, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, White, Wolchik, Wooley. Nays 0.

SB 292 was passed and the title agreed to.

SB 276 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 47—Alexander, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Clark, James A. Davis, Dawhare, DeMarcus, Denham, Harper, Henry, Hinkle, Hoffman, Hopkins, Huff, Hunt, Isler, James, Jones, Keith, Kidd, Lankford, Lawson, Louden, McKinney, McNamara, Mershon, Mitchell, Pettit, Rattliff, Ray, W. J. Reynolds, Rickert, Russell, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wooley. Nays 2—Kessinger, King.

SB 276 was passed and the title agreed to.

SB 80 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 61—Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Clark, Coffey, Cox, Dawhare, DeMarcus, Denham, Floyd, Greer, Hal-

leck, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Isler, James, Jones, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, May, McBrayer, McKinney, McNamara, Mershon, Mitchell, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Siemens, Simmons, Stuart, Vanover, Webster, Wesley, Wheeler, White, Wooley. Nays 0.

SB 80 was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 18:**

Amend printed copy of House Bill 18:

by striking everything after the enacting clause and substituting in lieu thereof the following:

"Section 1. A new section of the Kentucky Revised Statutes is created to read:

A qualified college means any college, junior college or university, incorporated in Kentucky which upon application to the Kentucky State Board of Education shall be found by the Kentucky State Board of Education to be offering courses of study leading to credits which can be transferred to and accepted by a Kentucky owned college.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

In order to serve the public good by providing adequate physical facilities for the education of college, university, and graduate students, and in order to encourage privately owned colleges and universities to share with the Commonwealth of Kentucky a portion of the cost of providing for the education of college, university, and graduate students, each qualified college may acquire, by purchase or gift, lands and improvements for the purpose of expanding the plant and extending the usefulness of the college, and when unable to agree with the owner of land and improvements necessary for the purposes of the college may proceed to condemn the land and improvements. The condemnation proceedings shall be conducted in the manner provided in KRS 416.120."

by amending the title to read:

"AN ACT relating to higher education and providing for the condemnation of land and improvements by privately owned colleges and universities."

Representative Baker moved that **HB 18** as amended be laid on the table. Rejected.

On the roll call the vote was yeas 37—Akers, Alexander, Ball, Ballenger, Blandford, Bleemel, Blume, Coffey, Greer, Harper, Henry, Hoffman, Hunt, Isler, James, Johnson, Keene, Kessinger, Kidd, King, Lankford, Lawson, May, McNamara, Mershon, Mitchell, Morgan, Murphy, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Sartin, Schmidt, Tobin, Vanover, Wooley. Nays 33—Arnett, Baker, Clapp, Clark, Cox, Cruse, DeMarcus, Denham, Floyd, Halleck, Hinkle, Hoe, Hopkins, Huff, Jones, Keith, Louden, Maddox, McKinney, Melton, Prather, Rattliff, Richey, Rickert, Riddle, Russell, Siemens, Simmons, Webster, Wesley, Wheeler, White, Wright.

The motion that the House concur in the Senate Amendment to **HB 18** was adopted.

Representative Morgan moved that **HB 18** as amended be placed upon its passage.

On the roll call the vote was yeas 31—Akers, Alexander, Ball, Ballenger, Blandford, Bleemel, Blume, Walter F. Davis, Henry, Hoffman, Isler, James, Johnson, Kessinger, Kidd, King, Lankford, Lawson, McNamara, Mershon, Mitchell, Murphy, Pettit, Russell Reynolds, W. J. Reynolds, Sartin, Schmidt, Siemens, Tobin, Vanover, Wooley. Nays 29—Arnett, Baker, Clapp, Clark, Coffey, Cruse, DeMarcus, Denham, Floyd, Halleck, Hinkle, Hoe, Huff, Jones, Keith, Louden, Maddox, McKinney, Melton, Prather, Rattliff, Richey, Rickert, Riddle, Simmons, Wesley, Wheeler, White, Wright.

HB 18 as amended was defeated.

SB 156, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the Committee Amendment to **SB 156.** Agreed.

On the roll call the vote was yeas 47—Alexander, Arnett, Baker, Ball, Ballenger, Blythe, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Halleck, Harper, Hoe, Hoffman, Hopkins, Huff, Isler, Jones, Keene, Keith, Kidd, Lankford, Lawson, Maddox, Melton, Mershon, Mitchell, Murphy, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Riddle, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wooley. Nays 3—Blume, Kessinger, King.

SB 156 as amended was passed and the title agreed to.

SB 112 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 41—Akers, Alexander, Baker, Ballenger, Blume, Clapp, Clark, Dawhare, DeMarcus, Henry, Hinkle, Hoffman, Hopkins, Huff, Johnson, Jones, Keene, Keith, Louden, Maddox, McBrayer, McKinney, McNamara, Melton, Mitchell, Morgan, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Riddle, Russell, Simmons, Stuart, Tobin, Vanover, Wesley, White, Wooley, Wright. Nays 19—Arnett, Bleemel, Blythe, J. A. Davis, W. F. Davis, Halleck, Harper, Hoe, Isler, Kessinger, King, Lankford, Mershon, Murphy, Prather, R. Reynolds, Rickert, Sartin, Wheeler.

SB 112 was passed and the title agreed to.

SB 302 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 46—Akers, Alexander, Arnett, Blume, Blythe, Clapp, Coffey, Cox, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Hinkle, Hoe, Hoffman, Hopkins, Huff, Johnson, Jones, Keene, Keith, Louden, Maddox, McBrayer, McKinney, McNamara, Mershon, Morgan, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, White,

Wooley. Nays 13—Baker, Bleemel, W. F. Davis, Halleck, Harper, Isler, Kessinger, King, Lankford, Lawson, Murphy, R. Reynolds, Sartin.

SB 302 was passed and the title agreed to.

SB 342 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 43—Alexander, Blandford, Bleemel, Blume, Carroll, Cox, Cruse, James A. Davis, Dawhare, Halleck, Harper, Henry, Hoffman, Hopkins, Isler, Johnson, Keene, Keith, Lankford, Louden, Maddox, May, McBrayer, McKinney, McNamara, Mershon, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wesley, Wooley. Nays 8—Arnett, DeMarcus, Floyd, Huff, Jones, Kessinger, Russell, Wright.

SB 342 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 342** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SR 73.**

Orders of the Day (Cont.)

SR 46 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 51—Alexander, Baker, Ballenger, Blandford, Bleemel, Blume, Blythe, Coffey, Cox, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Henry, Hinkle, Hoe, Hopkins, Huff, Isler, Johnson, Keene, Keith, King, Lankford, Lawson, Louden, Maddox, May, McNamara, Mershon, Mitchell, Morgan, Pettit, Prather, Rattliff, Richey, Rickert, Russell, Sartin, Schmidt, Smith, Tobin,

Vanover, Webster, Wesley, Wheeler, White, Wooley. Nays 2—DeMarcus, Kessinger.

SR 46 was passed and the title agreed to.

SR 52 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

SR 52 was passed.

Representative Morgan moved that the House conduct no other business than the Enrolling of Bills. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SR 46, SR 52, SB 375, SB 160, SB 342, SB 302, SB 156, SB 112, SB 286, SB 292, SB 64, SB 85, SB 75, SB 80, SB 279, SB 297, SB 291, SB 172, SB 404, SB 223, SB 329, SB 343, SB 308, SB 364, SB 381, SB 283, SB 2, SB 299, SB 3, SB 141, SB 90, SB 261, SB 274, SB 166, SB 92, SB 300, SB 276, HB 172, HB 307, HB 575, HB 460, HB 300, HB 354, HB 409, HB 410, HB 15, HB 228, HB 148, HB 2, HB 110** and **HR 84** had been examined and found correctly enrolled. **SR 46, SR 52, SB 375, SB 160, SB 342, SB 302, SB 156, SB 112, SB 286, SB 292, SB 64, SB 85, SB 75, SB 80, SB 279, SB 297, SB 291, SB 172, SB 404, SB 223, SB 329, SB 343, SB 308, SB 364, SB 381, SB 283, SB 2, SB 299, SB 379, SB 141, SB 90, SB 261, SB 274, SB 166, SB 92, SB 300, SB 276, HB 172, HB 307, HB 575, HB 460, HB 300, HB 354, HB 409, HB 410, HB 15, HB 228, HB 148, HB 2, HB 110** and **HB 84** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 172, HB 307, HB 575, HB 460, HB 300, HB 354, HB 409, HB 410, HB 15, HB 228, HB 148, HB 2, HB 110 and **HB 84** delivered, signed by President. Ordered delivered to the Governor.

Adjournment

The Speaker appointed the following Committee to inform the Senate that the House had concluded all business and to

join a like Committee from the Senate to wait upon the Governor to inquire if he had further business to communicate: Representatives Cox, Clark and Hopkins.

Representative Morgan moved that the House concur in the following **SR 73:**

A CONCURRENT RESOLUTION setting sine die adjournment of the Regular Session of the 1968 General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives do adjourn on Friday, March 15, 1968, they do so adjourn sine die the Regular Session of the 1968 General Assembly.

Agreed.

The Committee from the House met with a like committee from the Senate and Representative Cox reported that the Governor thanked them and stated that he had no further business to communicate.

Representative Morgan moved that the House of Representatives Journal for the 1968 Session be approved. Agreed.

Representative Morgan moved that the House adjourn Sine Die. Agreed.

The Journal of the House of Representatives was read, compared and approved. The House adjourned sine die.

APPROVED: Julian M. Carroll

Julian M. Carroll, Speaker

ATTEST: Addie D. Stokley

Addie D. Stokley, Assistant Clerk
House of Representatives

VETO MESSAGES

(Spread Upon the Register of the Secretary of State After *Sine Die Adjournment*)

HB 34. By virture of the authority vested in me by Section 88 of the Kentucky Constitution, I am vetoing this bill. It appears to me that the bill as written would just as likely injure debtors as it might benefit them. In any event, I disapprove of the practice of law by lay personnel under the apparent sponsorship of the Commonwealth of Kentucky as this bill seems to provide for it.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 36. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 36, because the provisions contained in this Bill are more adequately contained in S. B. 90, which is being signed into law.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 46. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 46, because this arrangement can be effected without legislation.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 49. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 49, because this legislation requires state expenditures at a time when they cannot be afforded and have not been budgeted. The reduction of holidays may be desirable but the additional loss of man hours and the expenditures that may be incurred by this legislation are not acceptable at a time when the citizens are being asked to contribute more to fund state government.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 59. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 59 because it goes beyond the intent and purpose of the Workmen's Compensation Law.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 107. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 107 because this Act would put Kentucky out of conformity with the Social Security Act and endanger receipts of Federal funds to the extent of a potential loss of $40 million.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 110. The intent of this legislation is good, in that it seeks to impose a realistic rate upon out of state students and to assure an opportunity for attendance by Kentucky students at our state supported universities. However, in view of the fact that

the Council on Higher Education has recently raised tuition rates and in keeping with a commitment from Higher Education that a realistic balance shall be attained and observed within the biennium and inasmuch as this bill could have a material effect upon the ability of the institution to issue revenue bonds and impairing projects that are already in process, I feel compelled by the authority granted by Section 88 of the Ky. Constitution to veto House Bill No. 110.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 128. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 128 because this legislation is discriminatory against witnesses appearing in cases other than felony cases and places a premium upon the presence of felony witnesses. Furthermore, budget does not provide funds from which payment can be made.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 134. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 134 because this bill would require sizeable increase in state expenditures for which no funds are provided in present budget and it appears that the members of the Board of Registration and Purgation are more adequately compensated than many other public servants.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 142. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 142 because the objectives sought in this Bill can be accomplished by regulations.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 166. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing H. B. 166 because the legislation sought herein is desirable for many purposes; however, the expenses to the Highway Department outweigh the advantages sought.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 204. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 204, because the present law is adequate to meet the needs.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 205. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 205 because this bill provides no procedure for determining disability or administration of the act.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 210. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 210 because this Bill makes it mandatory for a Circuit Judge to call additional Jurors not leaving in his discretion the need for such Jurors, thus placing an additional expense upon the taxpayers. Furthermore the Judge under the present law has discretion to call additional Jurors if they are needed.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 214. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 214 because this Bill does not alleviate the inequities which exist, but intends to create further complication and in addition thereto, would require a substantial and undeterminable expense to the State for which no budgetary appropriations were made.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 215. I must veto this bill, even though I recognize the need for medical research in the field of transplantation of human tissues, because I cannot remove from the hands of God the power of life and death and place it into the hands of the physician or surgeon however competent and at the discretion of a potential heir.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 218. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing this bill because this bill establishes a minimum salary rather than a maximum salary to be fixed by the fiscal court and does not give any authority or allow any discretion to those who must provide the funds which to pay. I recognize the need for salary increases for Court reporters but this bill doesn't solve problem.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 247. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 247, because the financial effect of this legislation upon the road fund and the special provisions inferred herein, cannot be justified financially or otherwise.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 253. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing this bill because the bill provides no guideline as to how the appropriations should be distributed among the various local fire departments or as to how said fire departments would use funds if they were available for distrubution and the guidelines had been provided. Bill also recites that appropriations are contained in H. B. 400.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 256. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 256, because such restrictions might possibly prevent grants, gifts, bequests and donations being made to the college and there is a serious question as to the constitutionality of the bill, if in fact there is any necessity for such legislation at all.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 267. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 267 because the road fund would not bear the additional cost which would accrue as a result of this legislation. Furthermore, the utility companies are permissive users of highway right-of-ways in many instances and use the same at their own peril.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 294. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 294 because it is a constitutional question of special legislation.

Furthermore, it would make mandatory without regard to space, type or location of property and without regard to possible interference with governmental functions.

In certain buildings in the state, the proceeds from vending stands are already being used for mental health and other deserving programs.

I have the utmost sympathy with the intent of this legislation and by Executive Order issued simultaneous herewith, I am providing an opportunity to those for which relief is sought in this bill.

S/ Louie B. Nunn
Governor

March 27, 1968

HB 300. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 300, because the problems existing in the metropolitan areas which created the need for the authority in Chapter 80 does not, except in isolated cases exist in rural areas and there is no necessity for the extension of authority to this extent under present conditions.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 310. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 310, because Senate Bill 403 contains identical provisions.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 328. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing H. B. 328, because the objectives sought in this bill are provided in another bill permitted to become law.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 388. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 388 because it permits the use of poisoning and this endangers wildlife, domestic animals and human beings. I feel that other methods of eradication without the danger can better serve the purpose.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 400. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing Lines 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24, 25, 27 and 28 on Page 2 and Lines 3 and 4 on page three, I am vetoing these lines because the appropriations for the Legislature in the 1968-70 biennium is provided in Senate Bill 214, as amended, which I shall permit to become law.

S/ Louie B. Nunn
Governor

March 19, 1968

HB 404. By the authority granted to me by Section 88 of the Kentucky Constitution, I veto this legislation because it would permit the establishment of independent foundations within departments of government which would not be subject to control by the executive branch, the legislative branch or the public. To permit the establishment of such foundations not subject to reasonable controls could lead to abuses and situations where such foundations could circumvent the law. Thus the legislation is not in the public interest.

S/ Louie B. Nunn
Governor

March 27, 1968

HB 462. By the authority vested in me by Section 88 of the Constitution of Kentucky, I am vetoing this bill because H. B. 462 was passed without compliance by both chambers with the Rules of Legislative Procedure (Senate Rule 55; House Rule 14);

Because the past administration has already established an independent Kentucky Commission on Law Enforcement and Crime Prevention that did then and will now qualify for federal matching funds;

Because a second crime commission dependent upon State funds was not provided for in the budget and cannot be justified.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 465. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 465 because the individuals for whom relief is sought in this legislation are confined for the purpose of paying a debt to society, rather than to have their own pay increased, so as to lessen their sentences.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 466. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 466 because the individuals for whom relief is sought in this legislation are confined for the purposes of paying a debt to society, rather than to have thier own pay increased, so as to lessen their sentences.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 476. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing H. B. 476 because it would reduce compensation of Jurors, rather than increase them.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 494. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 494, because this

law definitely provides that the budget shall be an executive budget. It is the policy of the Executive Branch to not interfere with legislative matters. The Legislature should afford the same courtesy to the Executive Branch. The American system of government provides for three separate, distinct Branches and any attempt of one Branch to extend its authority into the other places the system in jeopardy.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 502. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill No. 502 because affords privileges to certain class of citizens here without any justifiable reason and without any regard to their financial ability to pay tax. The Bill is discriminatory and in favor of former Federal employees. However desirable it may be for Federal employees, we cannot discriminate against former state employees who have also rendered favorable service.

S/ Louie B. Nunn
Governor

March 25, 1968

HB 524. By the authority granted by Section 88 of the Kentucky Constitution, I am vetoing House Bill 524 because the existing Racing Commission as presently constituted appears to be adequate as to number.

S/ Louie B. Nunn
Governor

March 27, 1968

HB 559. By the authority granted me by Section 88 of the Kentucky Constitution, I am vetoing this legislation because the authority sought by this legislation is granted by other enacted legislation and this bill is unnecessary and deletes certain desirable language.

S/ Louie B. Nunn
Governor

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HISTORY OF HOUSE BILLS

Numbers refer to page of House Journal. The text of a bill is given on first reading. The names of sponsors are in parentheses; when a bill has more than two sponsors only the first is listed in this history, but all sponsors are listed when a bill is introduced.

HB 1 Extending the limitation for commencement of actions for personal injury. (McBrayer, Hoffman)

HB 2 Repealing interlocutory divorce decree requirement. (McBrayer and others)

HB 3 Repealing annual motor vehicle inspection requirements. (Peace and others)

HB 4 Establishing limits on campaign expenditures by election candidates. (Peace and others)

HB 5 Increasing pay for prisoner work crews in county jails. (Henry)

HB 6 Deeming abandoned city streets not used as thoroughfares for 15 years. (Henry)

HB 7 Proposing a constitutional amendment to permit employment of felons. (Louden)

HB 8 Authorizing Department of Parks to maintain Civil War cemeteries. (Louden)

HB 9 Making a legislative appropriation. (Morgan)

HB 10 Repealing continuance of appropriations upon failure to make provision therefor. (Curlin and others)

HB 11 Establishing limits on election campaign expenditures. (Hinkle)

HB 12 Requiring contractual employment of public employees. (Wells)

HB 13 Reclassifying Edgewood to a city of the fourth class. (Harper)

HB 14 Reclassifying Crestview Hills to a city of the fifth class. (Harper)

HB 15 Charging parents or guardians for property damage by minors. (Harper)

HB 16 Increasing compulsory school attendance age from 16 to 18 years. (Kidd)

HB 17 Proposing a constitutional amendment to provide annual sessions of the General Assembly. (Wells)

HB 18 Authorizing condemnation by private colleges. (Baker and others)

HB 19 Decreasing authorized petty loan company charges for loans. (DeMarcus and others)

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB	1	33	73	350	352	387				460, 462, 482, 709, 807, 891, 924, 967, 997, 1201, 1302, 1643, 1921, 1992, 2024, 2457
HB	2	34	73	350	361	387	893	2652	2678	460, 462, 717, 821, 2653, 2665, 2678
HB	3	34	73	725	725	792				709
HB	4	34	72	115	143	166				117, 198, 209, 216, 785
HB	5	34	72	306	306	387	487			474
HB	6	34	73	457						
HB	7	54	72	459						
HB	8	54	73	173	173	209	368	821	996	306, 891, 1132
HB	9	54	60	112	112	128				112, 117, 148, 149, 391, 396, 461, 462, 482, 709, 807
HB	10	54	72	115	115	128				
HB	11	55	72	1754						
HB	12	55	73	765						738
HB	13	55	72	85	85	93	107	388	396	107
HB	14	55	72	85	86	93	107	388	395	107
HB	15	55	73	1418	1418	1760	2012	2652	2678	1990, 2678
HB	16	55	72	198						210
HB	17	55	72	1754						
HB	18	55	72	329	349	387	483	2633		474, 2674
HB	19	55	72	2366						

HB 20 Increasing election officers' pay. (McNamara and others)

HB 21 Reducing application of the Registry of Election Finance law. (Riddle and others)
HB 22 Increasing railroads' share of grade crossing elimination costs. (James)
HB 23 Changing primary election date to the third Saturday of August. (DeMarcus)
HB 24 Exempting the state from the federal Uniform Time Act of 1966. (DeMarcus)
HB 25 Increasing election officers pay. (Bamberger and others)
HB 26 Deleting regulation exemption of specified drugs. (Bamberger and others)
HB 27 Reclassifying Southgate to a city of the fourth class. (Bamberger)
HB 28 Eliminating attorneys' fee allowance in costs of civil cases. (Walters)
HB 29 Permitting release from arrest upon recognizance. (Walters and others)
HB 30 Requiring filing of workmen's compensation claims following suspension of voluntary medical payments. (Hoffman)
HB 31 Reclassifying Clay City to a city of the fifth class. (Walters)
HB 32 Exempting the state from the federal Uniform Time Act of 1966. (Keene)
HB 33 Granting courts personal jurisdiction over out-of-state offenders. (Harper and others)
HB 34 Requiring licensure of budget service companies. (Harper and others)
HB 35 Increasing education requirements for school board members. (Dawhare)
HB 36 Deleting court order requirement for parental rights termination in certain cases. (Hardin and others)
HB 37 Increasing pay of election officers. (Ray and others)
HB 38 Changing primary election date to the first Tuesday in August. (Ray and others)
HB 39 Exempting the state from the federal Uniform Time Act of 1966. (Rickert and others)
HB 40 Authorizing county motor vehicle inspection in lieu of state requirements. (Schmidt and others)
HB 41 Changing primary election date to the first Saturday in August. (James)
HB 42 Establishing penalty for lengthy street obstruction by railroads. (James)
HB 43 Increasing pay of grand and petit jurors. (Peace and others)
HB 44 Revising mosquito control district requirements. (Cox and others)
HB 45 Requiring clearly marked employee payroll checks. (Cox)
HB 46 Authorizing group life insurance for education district employees. (Hinkle)
HB 47 Exempting the legislative branch of state government from executive budget requirements. (Morgan)

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	3rd	Senate Message	Enrolled	Other Action
HB	20	56	72	115	147	166	215	821	996	117, 198, 216, 1132
HB	21	56	72	1754						
HB	22	58	73	173						191
HB	23	58	72	115	148	166				117, 738
HB	24	59	73	878						
HB	25	59	72	459						
HB	26	59	72	241	255	297	372	2598	2617	306, 2628
HB	27	59	72	85	86	93	108	1133	1211	107, 1414
HB	28	59	73	137	137	165	218			198
HB	29	59	73							
HB	30	59	73	1378	1383	1417				
HB	31	59	72	85	86	93	108	388	395	107
HB	32	59	73	878						
HB	33	59	73	350	354	387	462	2573	2590	461, 2590
HB	34	59	72	156	156	169	194	2635	2655	188, 2636, 2655
HB	35	59	72	140						
HB	36	59	73	199	201	224	366	2596	2601	230, 298, 377, 2628
HB	37	59	72	459						
HB	38	59	72	459						
HB	39	59	73	259	259	297	373			231, 306, 377, 389
HB	40	60	73	888						
HB	41	60	72	459						
HB	42	60	73							
HB	43	60	73	156	2042	2168				2021
HB	44	61	72	100	100	106	119	1279	1301	117, 1414
HB	45	61	73	163	163	169	218			198, 225, 816
HB	46	61	72	164	164	169	192	1927	1983	188, 1928, 1983
HB	47	61	73	91	91	102	118	263	266	107, 302

HB 48 Including chiropractic services in workmen's compensation provisions. (Louden)
HB 49 Eliminating certain state holidays. (Curlin)
HB 50 Prohibiting false fire alarms or bomb threats. (Riddle, Wooley)
HB 51 Requiring minimum non-resident college tuition. (Clapp, Maddox)
HB 52 Establishing a filing deadline for city election candidates. (Harper)
HB 53 Authorizing auxiliary police forces in cities of the fourth through sixth class. (Harper and others)
HB 54 Authorizing filing by mail of certain claims against the state. (Murphy)
HB 55 Limiting work hours of policemen in cities of the first class. (Ray)
HB 56 Increasing membership of the state Real Estate Commission. (Henry)
HB 57 Requiring proof of financial responsibility for motor vehicle operation. (Isler)
HB 58 Prohibiting duplicate retirement system participation by county police. (Riddle and others)
HB 59 Authorizing unpaid workmen's compensation awards to survivors of decedents thereunder. (Blume and others)
HB 60 Prohibiting probation of worthless check offenders prior to restitution. (Pettit and others)
HB 61 Requiring election challengers to be registered in the county of challenge. (Bleemel)
HB 62 Authorizing special alcoholic beverage licenses for Sunday sales. (Mershon)
HB 63 Abolishing the doctrine of contributory negligence. (Ray)
HB 64 Vesting liability for damages in the owner of a motor vehicle entrusting its use to another. (Ray)
HB 65 Permitting single action recovery of damages for tortious death. (Ray)
HB 66 Requiring computation of death damages from date of filing the action. (Ray)
HB 67 Extending personam jurisdiction of Kentucky courts to foreign corporations. (Ray)
HB 68 Creating a rebuttable presumption in death or personal injury damage actions. (Ray)
HB 69 Limiting time for bringing wrongful death damage actions. (Ray)
HB 70 Requiring school district division investigation upon petition. (Curlin)
HB 71 Increasing pay of grand and petit jurors. (Holbrook)
HB 72 Establishing a salary of $100 per month for constables. (Holbrook)
HB 73 Creating a Medical School-Mental Health Coordinating Committee. (Harper and others)
HB 74 Prohibiting state aid for more than one illegitimate child. (James)
HB 75 Requiring descriptive record of persons arrested for shoplifting. (Pettit and others)
HB 76 Increasing pay of election officers. (Huff and others)

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Other Action
HB 48	61	73	399	399	461				1412, 1651, 1917
HB 49	61	73	123	123	148	265	1927, 2306	2454	198, 215, 225, 1928, 2590
HB 50	62	73	137	138	165	267	2580	2590	188, 192, 211, 2590
HB 51	62	72	915						
HB 52	62	72	459	459	479	935	1927	1983	906, 1983
HB 53	62	72	207	207	224	269	2573	2590	230, 2575, 2590
HB 54	62	73	123	125	148	167			165
HB 55	62	72	1912	1912	1912	1982			
HB 56	62	73	275	275	365				474, 484
HB 57	62	72	2332	2333	2564				
HB 58	68	98							
HB 59	68	98	222	222	231	299	2598	2617	297, 2628
HB 60	68	97	287	287	365				381, 393, 414, 462, 481
HB 61	68	97	205	205	224	270	821	996	230, 1132
HB 62	68	97	1612	1612	1760				2020
HB 63	68	98							
HB 64	68	98	888						
HB 65	69	98	479						
HB 66	69	98	156	156	169				188, 211, 232
HB 67	69	98	479						
HB 68	69	98							
HB 69	69	98	907						
HB 70	69	97	694	694	736	900	2580	2590	821, 2590
HB 71	69	98	156						
HB 72	69	97	697						
HB 73	69	98	115	115	128	153	460	467	70, 148
HB 74	69	98	742	744	888	1307			1131
HB 75	73	98	350	359	387	463	1918	1921	461, 1983
HB 76	73	97	459						

HB 77 Establishing an Unsatisfied Claim and Judgment Fund Board. (Isler)
HB 78 Authorizing special education classes in state mental hospitals. (Denham and others)
HB 79 Authorizing thistle control and eradication procedures. (Brown, Massey)
HB 80 Authorizing commercial improvement districts in cities. (Murphy and others)
HB 81 Requiring detailed reports of election campaign spending. (Riddle, Bruce)
HB 82 Authorizing special school driver instruction permits. (Lassiter)
HB 83 Including aged and infirm persons in the definition of absent voters. (Isler)
HB 84 Increasing penalty for riot or inciting to riot. (Bruce, Hardin)
HB 85 Authorizing permanent registration for emergency vehicles. (Peace)
HB 86 Authorizing special license plates for civil defense vehicles. (Peace)
HB 87 Authorizing gasoline tax refund for vehicles operated by non-profit organizations. (Peace)
HB 88 Requiring identical computation of retirement allowances for all teachers. (Allen and others)
HB 89 Authorizing two judges for the Eighth Circuit Court District. (Massey, Brown)
HB 90 Authorizing fiscal courts to pay bond premiums for county treasurers. (Cox)
HB 91 Requiring time and one-half pay for firemen's overtime hours. (Johnson, Rattliff)
HB 92 Increasing pay of grand and petit jurors. (May and others)
HB 93 Prohibiting assembly to commit unlawful acts. (King and others)
HB 94 Imposing a penalty for urging law violations to an assembly of persons. (DeMarcus)
HB 95 Prohibiting the sale of unlabeled thawed or refrozen meat. (R. L. Miller and others)
HB 96 Requiring service of at least one-third of sentence prior to parole eligibility. (Riddle, Kessinger)
HB 97 Authorizing cities to accept public funds without matching thereof. (Wheeler and others)
HB 98 Increasing inheritance tax exemptions. (Isler)
HB 99 Reducing purchase price of farm equipment necessitating the filing of a financing statement. (Keene)
HB 100 Increasing pay of election officers. (Wheeler, Halleck)
HB 101 Making optional the exclusion of city police and fire officials from civil service. (Wheeler, Halleck)
HB 102 Requiring circuit court and grand juries to be conducted in certain county courthouses. (Wheeler, Halleck)
HB 103 Limiting compensation of bailiffs. (Wheeler, Halleck)
HB 104 Revising police judge retirement provisions. (Wheeler, Halleck)

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	3rd	Senate Message	En-rolled	Other Action
HB 77	74	97	2332	2344	2564				
HB 78	74	97	915						
HB 79	74	97	318	324	387				708, 809
HB 80	74	97	1236	1241	1413	2306			2020
HB 81	75	97	1733	1733	1869				
HB 82	75	98	404	405	461	810			708
HB 83	75	97	198						
HB 84	75	98	199	199	224	370			306, 377, 390
HB 85	75	98	1034						
HB 86	75	98	1034						
HB 87	75	97	399						
HB 88	75	97	138	138	165	1640			188, 195, 215, 268, 1413
HB 89	75	98	479						
HB 90	76	97	140	141	165	194	1279	1301	188, 1414
HB 91	76	98	399	404	461				
HB 92	76	98							
HB 93	76	98							
HB 94	80	98	479						
HB 95	80	97	173						
HB 96	80	98	387						
HB 97	84	97	317						
HB 98	84	97	409						
HB 99	84	98	199	203	224	271	2580	2601	230, 2628
HB 100	84	97	459						
HB 101	84	97	973	976	1132	1995			1412, 1925
HB 102	84	98	350	353	387	464	2577	2590	461, 2590
HB 103	85	98							
HB 104	85	97	973	976	1132	2204			2020

HB 105 Increasing jailers' fees for state services. (Murphy)
HB 106 Prohibiting malt beverage sales at less than 25 percent above cost. (Murphy and others)
HB 107 Authorizing old age assistance recipients to reside with their children. (Allen and others)
HB 108 Requiring state-owned motor vehicles to bear state seal and official license plates. (Cox)
HB 109 Enacting a motor vehicle certificate of title law. (DeMarcus)
HB 110 Requiring specified non-resident tuition fees at state colleges and universities. (Wesley and others)
HB 111 Authorizing special license plates for historical motor vehicles. (Siemens and others)
HB 112 Authorizing restricted motor vehicle licenses. (Hoffman)

HB 113 Reclassifying Grayson as a city of the fourth class. (J. A. Davis)
HB 114 Permitting property tax deduction for persons 65 years of age or over. (Isler)
HB 115 Revising county employees retirement provisions. (Morgan)
HB 116 Revising state police retirement provisions. (Morgan)
HB 117 Adding five days of excused school absences for 1967-68. (Morgan, Lassiter)
HB 118 Revising Kentucky employees retirement system provisions. (Morgan)
HB 119 Authorizing municipal construction of shopping centers. (Mershon, King)
HB 120 Authorizing abortion or induced miscarriage. (R. L. Miller and others)
HB 121 Deleting salary limitation for county court trial commissioners. (Prather and others)
HB 122 Requiring nursing care allowance for old age assistance recipients. (Allen)
HB 123 Revising teachers retirement system provisions. (Hinkle and others)
HB 124 Authorizing use of teachers' sick leave for personal purposes. (Arnett and others)
HB 125 Imposing a real estate transfer tax. (Hinkle and others)

HB 126 Authorizing teachers 30 minutes per day for program planning. (Hinkle)
HB 127 Requiring $600 variation between resident and non-resident college tuition fees. (R. L. Miller and others)
HB 128 Increasing fees paid state witnesses. (Blume)
HB 129 Making an appropriation to the Veterans of W. W. I. of the U.S.A. (Isler)
HB 130 Repealing optional local taxes for schools. (Lawson and others)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 105	85	97							
HB 106	85	97	140	140	165	267			188, 194, 215, 365
HB 107	85	98	384	384	411	891	2580	2590	708, 812, 2590
HB 108	85	98	123	126	148	191	1279	1301	165, 167, 1414
HB 109	85	98	436						
HB 110	85	97	697	702	736	895	2655	2678	821, 2662, 2678
HB 111	90	98	126	127	148	167	470	713	165, 485, 716
HB 112	90	98	294	296	365	1300			474, 489, 709, 808, 891, 924, 967, 997, 1201,
HB 113	90	97	116	117	128	153	388	395	148
HB 114	90	97	475						
HB 115	90	98	173	182	209	268	821	996	230, 1132
HB 116	91	98	173	174	209	268	821	996	230, 1132
HB 117	91	97	329	349	387				461, 465, 482 709, 915
HB 118	91	98	173	185	209	269	821	996	230, 1132
HB 119	91	97							
HB 120	91	98	387						389
HB 121	91	97	140	141	165	217	2573	2590	198, 2590
HB 122	94	98	384	385	411	812			708
HB 123	94	97	329	330	387	710	2598	2617	474, 489, 2628
HB 124	94	97	198	198	224	369	821	996	306, 377, 1132
HB 125	94	97	907	908	964	2457	2643	2655	167, 1132, 1722, 2283, 2655
HB 126	94	97	350						1201
HB 127	96	128	915						
HB 128	96	128	474	474	708	900	2577	2601	821, 2628
HB 129	96	128	399						1643
HB 130	96	128	409						

HB 131 Requiring evening hours for the board of registration in cities of the first class. (McGill and others)
HB 132 Establishing a salary limit for councilmen in cities of the fourth class. (Siemens and others)
HB 133 Declaring aid to the University of Louisville as a valid purpose for state funds. (Denham and others)
HB 134 Increasing compensation for members of county registration and purgation boards. (Henry)
HB 135 Exempting sales to cities and counties from the sales tax. (Sartin and others)
HB 136 Regulating pipe line company operations. (McNamara)
HB 137 Authorizing candidates in cities of the fourth class to file nomination papers 45 days prior to a general election. (Mershon)
HB 138 Proposing a constitutional amendment to require uniform property assessment. (Peace)
HB 139 Including cities of the first class in the definition of public utilities. (Blume and others)
HB 140 Requiring appointees to boards of waterworks in cities of the first class to be residents of such cities. (Blume and others)
HB 141 Increasing assistance to the needy aged. (Saylor and others)
HB 142 Requiring eye protective devices in schools. (Denham and others)
HB 143 Redefining corrupt practices provisions. (Ballenger)
HB 144 Limiting garnishment and attachment exemptions. (Holbrook)
HB 145 Adding student members to universities and college boards of administration. (Hunt, Pettit)
HB 146 Establishing a commission to develop programs for hiring the unemployable. (Kidd and others)
HB 147 Requiring college training prior to licensure as a healing arts practitioner. (Pettit)
HB 148 Increasing penalties for distributing wood alcohol for human consumption. (Pettit, McGill)
HB 149 Authorizing all counties to finance law libraries from court fees. (Sartin and others)
HB 150 Requiring sentence credit for time prior to conviction. (Brown and others)
HB 151 Proposing a constitutional amendment to require a simple majority to approve hospital bonds. (Louden)
HB 152 Increasing jailers' fees for keeping prisoners. (Brown and others)
HB 153 Increasing penalties for escape from jail. (Brown and others)
HB 154 Requiring automobile liability insurance for state police vehicles. (Murphy and others)
HB 155 Increasing period of voter inactivity prior to purgation. (Isler)
HB 156 Regulating traffic in and use of air guns. (Denham and others)
HB 157 Establishing a license tax rate in cities of the first class. (C. R. Miller and others)

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Em-rolled	Other Action
HB 131	96	128	459						
HB 132	96	128	207	207	224	299	1133	1211	297, 1414
HB 133	96	128	198	198	224	369	821	996	306, 1132
HB 134	97	128	722	722	792	925	1927	1983	821, 900, 1983
HB 135	105	128	758						
HB 136	105	128	294	294	365	392			381
HB 137	105	128	459						
HB 138	105	128	1754						
HB 139	105	128	883						188
HB 140	105	128	317						
HB 141	105	128	757						
HB 142	105	128	241	241	297	390	1927	1983	306,372,1983
HB 143	106	128	1733	1735	1869	2310			2020, 2306
HB 144	106	128	906						
HB 145	106	128	915						
HB 146	106	128							
HB 147	106	128	208	208	224	1651	2584	2601	1412, 2590, 2628
HB 148	110	128	350	358	387	465	2662	2678	461, 2678
HB 149	110	128	140	141	165	193			188
HB 150	110	136	199	202	224	271			230
HB 151	110	136	1754						
HB 152	110	136	697						
HB 153	110	136	906	906	964	1203			973
HB 154	110	136	1450	1609	1760	2028			
HB 155	110	136	475						
HB 156	111	136	906						
HB 157	111	136	973	977	1132	1924			1412

HB 158 Requiring reports of registration purgations. (Hoe)
HB 159 Requiring attendance of physicians at school athletic contests. (Hoe)
HB 160 Prohibiting trading stamp distribution by gasoline retailers. (Cruse and others)
HB 161 Requiring two license plates for motor vehicles. (Siemens, McGill)
HB 162 Subjecting public utilities to state requirements on employee safety. (Siemens and others)
HB 163 Granting teachers a duty-free lunch period and a planning period daily. (Siemens and others)
HB 164 Increasing pay of election officers. (Blume and others)
HB 165 Requiring school accident report forms. (Allen)
HB 166 Requiring maps and descriptions of property taken under eminent domain. (Pettit)
HB 167 Authorizing certain circuit courts to set compensation for commissioners and receivers. (Pettit)
HB 168 Requiring specified information on gasoline pumps. (Walters, Harper)
HB 169 Requiring licensure of attorneys upon graduation from law school. (Peace)
HB 170 Revising administrative regulations procedures. (McBrayer)

HB 171 Adopting the Interstate Compact on Mentally Disordered Offenders. (Pettit and others)
HB 172 Authorizing public road districts in counties containing cities of the second class. (King and others)
HB 173 Providing two judges for the Eighth Circuit Court District. (Brown, Massey)
HB 174 Deleting requirement of stock shares disclosure in garnishment proceedings. (Stuart and others)
HB 175 Prohibiting motor vehicle operation licensure of certain persons. (Hoe)
HB 176 Prohibiting employment discrimination because of age. (Blume and others)
HB 177 Extending veterans' merit system preference to dependents thereof. (Mitchell and others)
HB 178 Requiring specified meetings of county registration and purgation boards. (Hoe)
HB 179 Authorizing police judges in cities of the second class to practice law. (Murphy)
HB 180 Excluding bank accounts of $2,000 or less from the inheritance tax. (Isler)
HB 181 Excluding mineral titles or leases from definition as securities. (Greer and others)

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Em-rolled	Other Action
HB 158	111	136	1754						
HB 159	111	136	757						
HB 160	111	136	240	240	297	711			461, 474, 490
HB 161	111	136	297						
HB 162	111	136	297						
HB 163	111	136	199						
HB 164	111	136	459						
HB 165	111	136	915						
HB 166	111	136	199	200	224	1212	2633	2640	297, 298, 367, 708, 1131, 2640
HB 167	111	136	306	307	387	482			461, 466
HB 168	121	136	985						
HB 169	121	136	479	481	708	998			480, 973, 999
HB 170	121	136	493	500	736				689, 821, 900, 925, 967, 997, 1201, 1302, 2199, 1643, 1921, 1992, 2024
HB 171	121	136	241	242	297	372			306
HB 172	121	136	1236	1236	1413	1933	2662	2678	1417, 2678
HB 173	121	136	350	350	387				461, 1466
HB 174	122	136	1450						
HB 175	122	136	1632	1632	1760				
HB 176	135	197							
HB 177	135	197	431	434	479	809			708
HB 178	135	197	1754						
HB 179	135	197	706	707	736	926			821, 901
HB 180	135	197	475						
HB 181	135	197	287	288	365	393	2577	2601	381, 2628

HB 182 Providing for election of trial commissioners in certain counties. (Mershon and others)
HB 183 Requiring lung examinations for coal miners. (Huff, Peace)
HB 184 Establishing the implied consent doctrine. (Hoe and others)
HB 185 Establishing a state liquor store monopoly. (R. Reynolds)
HB 186 Requiring financial reports by specified election organizations. (Irick and others)
HB 187 Requiring financial statement filing by local officials. (Mitchell)
HB 188 Authorizing special motor vehicle license plates for disabled veterans. (Irick)
HB 189 Proposing a constitutional amendment to permit voting in previous precinct upon change of residence. (Irick)
HB 190 Authorizing teacher leaves of absence for federal or state employment. (Blume)
HB 191 Authorizing special registration fees for farm trucks. (Hoffman)
HB 192 Authorizing presidential election voting by new residents. (Russell)
HB 193 Deleting the requirement of one-day appointment of special police in cities of the sixth class. (Russell)
HB 194 Requiring divorce testimony only after 60 days elapse from filing thereof. (McNamara, Wolchik)
HB 195 Imposing a real estate transfer tax. (Mitchell)
HB 196 Changing the name of the Kentucky Commission on Employment of the Physically Handicapped. (Morgan)
HB 197 Revising police court costs in cities of the second class. (Harper and others)
HB 198 Requiring professional negotiations for teachers. (McKinney, R. L. Miller)
HB 199 Proposing a constitutional amendment to eliminate Saturdays as legislative days. (Pettit and others)
HB 200 Proposing a constitutional convention. (DeMarcus)
HB 201 Authorizing cities to improve business areas. (Ballenger, C. R. Miller)
HB 202 Requiring all employers to provide statements of employee wage deductions. (Lassiter)
HB 203 Requiring purgation of voters after two years' inactivity. (Isler)
HB 204 Authorizing substitute teaching by retired teachers for 80 days annually. (Wooley and others)
HB 205 Providing a lump sum benefit for disabled policemen. (Stuart and others)
HB 206 Authorizing licensure of certain physical therapists without examination. (Sartin and others)
HB 207 Authorizing the sale and use of certain fireworks. (Clapp)
HB 208 Authorizing cities of the second class to fix property assessment dates. (Greer and others)
HB 209 Reclassifying Butler to a city of the fifth class. (Webster)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 182	135	197	906						
HB 183	135	197	1412						
HB 184	136	197	1018	1018	1279	1926	2643	2655	1412, 1929, 2655
HB 185	155	197	1017						
HB 186	155	197	1754						
HB 187	155	197	306	308	387	2139			461, 466, 1133, 1234, 2020
HB 188	155	197	885	886	919	1307			1131
HB 189	155	197	1754						
HB 190	155	197	329	329	387	1306			1131
HB 191	155	197	1251	1261	1413				
HB 192	156	197	1754						
HB 193	156	197	310	315	387	467	1279	1301	461, 1414
HB 194	169	197	907						
HB 195	169	197							
HB 196	169	197	241	253	297	371			306
HB 197	169	197	310	314	387	710			474, 489
HB 198	169	197	1007	1007	1279	2139			2020, 2200
HB 199	170	197	1754						
HB 200	171	197	1754						
HB 201	171	197	765	765	888	968			413, 906, 935
HB 202	171	197	765						
HB 203	171	197	1754						
HB 204	171	197	329	330	387	467	2584	2601	461, 2628
HB 205	171	197	431	433	479	813	2577	2590	708, 2590
HB 206	172	197	259						
HB 207	172	197	275	275	365	413	821	996	381, 1132
HB 208	172	197	310	310	387	814			708
HB 209	172	197	310	316	387	468	1655	1772	461, 1870

HB 210 Requiring selection of seventy-five circuit court jurors. (Webster)

HB 211 Prohibiting the carrying of concealed deadly weapons. (R. L. Miller and others).

HB 212 Resolving to commend the Kentucky National Guard. (Blythe, McBrayer)

HB 213 Authorizing carry-over of National Guard funds. (Blythe, McBrayer)

HB 214 Requiring assessment of jury costs against the unsuccessful party. (James)

HB 215 Permitting custodians of persons at or near death to authorize disposition of blood and organs. (Denham)

HB 216 Authorizing mileage allowance for justices of the peace performing duties beyond district limits. (Irick)

HB 217 Setting National Guard compensation while on active duty equal to that of regular forces. (Blythe, McBrayer)

HB 218 Establishing a minimum salary for circuit court reporters. (Rickert)

HB 219 Permitting issue of arrest and search warrant on hearsay information. (Morgan)

HB 220 Authorizing stop and search by police officers. (Morgan)

HB 221 Requiring a separate license for each sale or acquisition of a pistol. (Morgan)

HB 222 Exempting drugs from the sales tax. (Isler)

HB 223 Requiring that court-ordered sales be for cash. (Baker and others)

HB 224 Increasing share by railroads for grade crossing elimination costs. (James)

HB 225 Authorizing additional income for public assistance recipients. (Allen)

HB 226 Authorizing special motor vehicle license plates for radio amateurs. (Hunt and others)

HB 227 Requiring the Legislative Auditor to audit all agencies receiving state funds. (Hunt and others)

HB 228 Granting control of the Old Capitol to the Kentucky Historical Society. (Hunt, Ball)

HB 229 Requiring licensure of radio and television service men. (Blythe, Vanover)

HB 230 Increasing maximum mileage allowance for state employees. (Blythe, McCallum)

HB 231 Limiting damage claims against cities and counties. (Blythe)

HB 232 Requiring school faculty or staff on all school-sponsored student trips. (Hinkle)

HB 233 Prohibiting purchase or possession of alcoholic beverages by persons under 21. (Murphy, Mershon)

HB 234 Requiring 85 percent of racetrack employment from among Kentucky residents. (Murphy, Mershon)

HB 235 Providing penalty for misconduct during labor disputes. (Murphy)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 210	172	197	718	718	792	967	2306	2454	821, 900, 925, 2590
HB 211	172	197	275	278	365				381, 414
HB 212	172	197							
HB 213	172	197	431	431	479	924	2580	2590	821, 891, 2590
HB 214	172	197	350	362	387	489	2643	2655	474, 489, 2655
HB 215	196	240	384	386	411	486	1927	1983	474, 1983
HB 216	196	240	758	760	888	934			906, 1280, 1299
HB 217	196	240	431	433	479	892	1927	1983	821, 1983
HB 218	196	240	706	707	736	1643	2647	2655	1131, 2655
HB 219	196	240							
HB 220	196	240							
HB 221	196	240	479						
HB 222	196	239							
HB 223	197	240	350	364	387				474, 490
HB 224	197	240	297						301
HB 225	220	240	1399	1399	1417				
HB 226	220	240	294	295	365	391	1638	1760	381, 1412, 1870
HB 227	220	240	275	283	365	1643			1131, 1310
HB 228	220	240	275	285	365	414	2652	2678	381, 393, 2678
HB 229	220	240	944	944	990				1131, 1310, 1645, 2022
HB 230	220	239	722	724	792	1639	2598	2617	1131, 1214, 1641, 2628
HB 231	220	240							
HB 232	220	240	329	330	387	488	2598	2617	474, 2628
HB 233	220	240	328	328	387	487	1655	1772	474, 1870
HB 234	221	240	381	381	411				991, 1278
HB 235	221	240							

HB 236 Establishing a fee schedule for master commissioners and receivers. (Murphy)
HB 237 Revising public school entrance age requirements. (Baker)
HB 238 Including the Madisonville Cooperative College in the University of Kentucky college system. (Cox and others)
HB 239 Redefining unemployment compensation coverage for seasonal employees. (Pettit).
HB 240 Requiring flashing lights at railroad crossings. (James)
HB 241 Requiring complainants failing to prosecute to pay costs of the action. (Lawson and others)
HB 242 Prohibiting discrimination against minority groups in real estate transactions. (McGill and others)
HB 243 Requiring experience or college training for real estate brokers. (Greer and others)
HB 244 Increasing maximum unadvertised contractual obligations which political subdivisions may acquire. (Stuart and others)
HB 245 Authorizing foreign lending institutions to do specified business in Kentucky. (Wooley, Pettit)
HB 246 Authorizing mortgaging of property of persons under disability. (DeMarcus)
HB 247 Authorizing special fees for certain motor carriers. (Curlin)
HB 248 Making independent school district boundaries coterminus with city limits. (Wright and others)
HB 249 Establishing presidential preference primaries. (DeMarcus)
HB 250 Requiring full disclosure in consumer credit transactions. (Rickert and others)
HB 251 Requiring full disclosure under installment sales contracts. (Rickert and others)
HB 252 Authorizing cancellation of certain installment sales agreements. Rickert and others)
HB 253 Making an appropriation for local fire department aid. (King and others)
HB 254 Requiring fiscal courts to supervise county road fund expenditures. (King and others)
HB 255 Establishing the Northern Kentucky State College. (Mershon and others)
HB 256 Making an appropriation for the Northern Kentucky State College. (King and others)
HB 257 Revising mine safety requirements. (Irick and others)
HB 258 Defining "gassy" mines for safety purposes. (Irick and others)
HB 259 Revising method of filing charges under city civil service. (King)
HB 260 Establishing motorcycle safety requirements. (Stuart and others)
HB 261 Requiring annual review of real property tax exemptions. (Cruse and others)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 236	221	240							
HB 237	221	240	957	957	990	1309			1131
HB 238	221	240	915						
HB 239	221	240	985						
HB 240	228	240	1637						
HB 241	228	240	1131						
HB 242	228	240	1418	1419	1760				1639, 2020, 2606, 2616
HB 243	228	240	690	691	736	1646	2633	2640	821, 893, 1016, 1219, 1312, 2640
HB 244	228	240	2043	2043	2168				
HB 245	228	239	1092						
HB 246	228	240	475	475	708	901			821
HB 247	229	240	447	447	479	813	1918	1921	708, 1983
HB 248	229	240	1330						
HB 249	229	240	786	786	888	932			906
HB 250	229	239	436	436	479	815	2633	2655	708, 2639, 2655
HB 251	229	239	1092	1280	1413	2309			1279, 2020
HB 252	229	239	1092						
HB 253	229	239	1319	1319	1417	2002	2598	2617	1990, 2628
HB 254	229	240	761						
HB 255	230	240	382	382	411	484	1638	1760	474, 1412, 1870
HB 256	230	239	1637	1637	1760	2040	2598	2617	2020, 2628
HB 257	236	305	825	825	919	1936			1417, 1936, 1989
HB 258	236	305	825	858	919				1417, 1936, 1990
HB 259	236	305	973	973	1132	1648			1219, 1312
HB 260	236	306	447	451	479	815	1869	1912	708, 1983
HB 261	236	305	409	409	461	1928	1927	1983	474, 486, 709, 807, 1983

HB 262 Deleting the exemption of city utilities from regulation by the Public Service Commission. (Mitchell, W. J. Reynolds)
HB 263 Establishing certain school safety requirements. (Mitchell)
HB 264 Authorizing public employees to organize for collective bargaining. (Blume, Vanover)
HB 265 Requiring expiration of motor vehicle registration upon transfer. (Isler)
HB 266 Distinguishing between juvenile delinquent and juvenile offender. (Morgan)
HB 267 Requiring state payment of highway construction relocation costs. (Russell, Blume)
HB 268 Redefining terms of appointment for a friend of the court. (Morgan)
HB 269 Enlarging the functions of soil and water conservation districts. (Hoffman)
HB 270 Authorizing investment companies to invest as fiduciaries. (Curlin)
HB 271 Adding giant fox tail to weeds controllable on state highways. (Maddox)
HB 272 Exempting persons administering care in emergencies from civil damages. (Schmidt, Bamberger)
HB 273 Requiring primary candidates to swear no change in party registration since previous election. (Hoffman, Blume)
HB 274 Revising penalty for causing explosion on the property of another. (Massey)
HB 275 Requiring compensation for moving expenses caused by highway construction. (R. L. Miller)
HB 276 Proposing a constitutional amendment to revise the General Assembly convening date. (Arnett and others)
HB 277 Requiring weekly payment of hourly employees. (W. J. Reynolds)
HB 278 Deleting county occupational tax exemption in certain cases. (Jones)
HB 279 Revising provisions regulating barbers and cosmetologists. (Ray and others)
HB 280 Authorizing noxious weed control districts. (Rattliff and others)
HB 281 Authorizing supplementary radio and television publication of legal notices. (McCallum)
HB 282 Increasing jurors' compensation. (King, Mershon)
HB 283 Increasing maximum fines for certain penal and misdemeanor cases. (King, Mershon)
HB 284 Granting county courts sole authority to exempt decedents' estates from sale and distribution. (Baker and others)
HB 285 Increasing branch bank incorporation filing fees. (Wesley and others)
HB 286 Increasing savings and loan association report filing fees. (Wesley and others)
HB 287 Revising provisions regulating barbers and cosmetologists. (King)
HB 288 Revising teacher classifications and salaries. (Irick, Lankford)
HB 289 Exempting medicine from the sales tax. (Saylor and others)

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Em-rolled	Other Action
HB 262	237	306							
HB 263	237	306	1326	1326	1417				2020
HB 264	237	306	1378	1378	1417	2311			2020, 2453
HB 265	237	306	457						
HB 266	237	306							
HB 267	237	306	885	887	919	2028	2598	2617	990, 1317, 2600, 2628
HB 268	237	305	1754	1754	1869	2024			1990
HB 269	237	305	982	983	1132	1648	2598	2617	1219, 1312, 2628
HB 270	237	305	2332	2364	2564				
HB 271	237	305	459	459	479	810	1927	1983	708, 1983
HB 272	237	306	989						
HB 273	237	306	1754						
HB 274	238	306	479						
HB 275	238	306	2079	2079	2168				
HB 276	238	306	1754						
HB 277	238	306	1383						
HB 278	238	305							
HB 279	238	305	885						
HB 280	238	305	825	847	919				
HB 281	238	306							
HB 282	238	305	697						
HB 283	238	306	906						
HB 284	238	306	718	721	792	925			821, 902
HB 285	239	305	436	445	479	811	2573	2590	708, 2590
HB 286	239	305	436	446	479	812	2573	2590	708, 2168, 2590
HB 287	239	305	1383	1383	1417				1990, 2000, 2291
HB 288	274	306	957	960	990	1214			1131
HB 289	274	305							

HB 290 Prohibiting ownership transfer of concealable weapons without proper notification. (Blume, Kidd)
HB 291 Requiring reversion to adjacent landowners of excess or abandoned highway property. (Wells)
HB 292 Authorizing waiver of nonresident auctioneers' apprenticeship requirement. (Rattliff)
HB 293 Requiring ten equal payments, annually, to school employees. (Curlin)
HB 294 Requiring space in state buildings for vending stands for the blind. (Curlin)
HB 295 Deleting requirement that election precincts contain no more than one legislative district. (Isler)
HB 296 Increasing jurors' compensation. (W. F. Davis, Schmidt)
HB 297 Establishing a metropolitan education district. (Russell and others)
HB 298 Requiring next immediate source of title on real estate mortgages. (Hinkle)
HB 299 Granting police officers full jurisdiction under interlocal cooperation agreements. (Cruse and others)
HB 300 Authorizing counties to dispose of unfit dwellings. (King)
HB 301 Requiring defendants in commitment proceedings to pay physicians' fees. (King)
HB 302 Authorizing firemen to organize for collective bargaining. (Murphy and others)
HB 303 Prohibiting insult or humiliation of law enforcement officers. (Murphy and others)
HB 304 Requiring forwarding of adoption orders for nonresidents so that birth certificate may be changed. (Morgan, Ball)
HB 305 Authorizing appointment of the Department of Child Welfare as guardian of its wards. (Morgan, Ball)
HB 306 Defining appeals from juvenile court decisions. (Morgan, Ball)
HB 307 Revising membership of the Kentucky Children's Advisory Council. (Morgan, Ball)
HB 308 Requiring child's estate as well as parents to make court-ordered payments. (Morgan, Ball)
HB 309 Authorizing an annual conference of juvenile court judges. (Morgan, Ball)
HB 310 Authorizing the Department of Child Welfare to evaluate suitability of homes for children. (Morgan, Ball)
HB 311 Authorizing the Department of Child Welfare to accept children upon parental consent. (Morgan, Ball)
HB 312 Authorizing regional juvenile reception-diagnostic centers. (Morgan and others)
HB 313 Requiring elapse of six weeks of a labor dispute prior to unemployment compensation claim. (Murphy, Mershon)
HB 314 Adding transportation as a factor in determining suitability of work for unemployment compensation. (Murphy, Mershon)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 290	274	306	436						
HB 291	274	306	2080						
HB 292	274	305	1274	1274	1413	1932	2596	2617	1417, 2600, 2628
HB 293	274	306	697	698	736	898			821
HB 294	274	306	864	865	919	1210	2573	2590	1131, 2575, 2590
HB 295	274	306	1754						
HB 296	274	305							
HB 297	275	306	706	796	888	991			906, 997
HB 298	303	471	907						
HB 299	303	470	915	916	964	1002	2573	2590	973, 2590
HB 300	303	470	1219	1230	1413	1934	2662	2678	1417, 2678
HB 301	303	470							
HB 302	303	471							
HB 303	303	471	1612						
HB 304	303	470	742	742	888	932	2598	2617	906, 2628
HB 305	303	470	990						
HB 306	304	471							
HB 307	304	470	742	744	888	931	2662	2678	906, 2678
HB 308	304	470	1661	1662	1869	2025	2635	2655	1990, 2655
HB 309	304	470	742	746	888	933	2598	2617	906, 2628
HB 310	304	470	1661	1663	1869	2008	2635	2655	1990, 2655
HB 311	304	470	742	746	888	931	2598	2617	906, 2628
HB 312	304	470	742	748	888	930	2598	2617	906, 933, 2628
HB 313	304	471							
HB 314	304	471							

HB 315 Enacting the Interstate Compact on Air Pollution. (Wheeler and others)
HB 316 Requiring grantor's name on real estate title conveyance. (Pettit)
HB 317 Redefining bank holidays. (Bruce, Harper)
HB 318 Proposing a constitutional amendment to exclude Saturdays as legislative days. (Curlin, Rickert)
HB 319 Declaring lapse of mortgages sixty days after maturity. (Harper and others)
HB 320 Repealing annual motor vehicle inspection requirements. (Clapp and others)
HB 321 Proposing a constitutional amendment to classify agricultural land according to value therefor for tax purposes. (McCallum and others)
HB 322 Authorizing filing of suits against nonresident livestock dealers in the county of transaction. (Keith and others)
HB 323 Requiring nurse representation on the State Board of Health. (Hunt and others)
HB 324 Authorizing county licensing of peddlers. (Blandford)
HB 325 Defining simultaneous participation in county police and employee retirement systems. (Riddle, C. R. Miller)
HB 326 Including all mentally handicapped persons in special education programs. (Akers)
HB 327 Authorizing transfer of teaching experience among school districts in defining teachers' salaries. (Akers)
HB 328 Exempting conservation officers from motor vehicle mileage allowance limitation. (Simmons and others)
HB 329 Making statutory correction in Department of Corrections provisions. (Ball, Morgan)
HB 330 Subjecting to arrest all persons under the Interstate Probation and Parole Compact. (Ball, Morgan)
HB 331 Declaring no exemption from criminal laws due to errors by public officers or employees. (Ball, Morgan)
HB 332 Requiring release of prisoners for good time deduction to be conditional. (Ball, Morgan)
HB 333 Authorizing an executive committee of the Kentucky Industrial Development Finance Authority. (Morgan, Ball)
HB 334 Revising provisions on fish and wildlife resources. (Morgan)
HB 335 Requiring racing as one entry of horses trained or owned by the same person. (Blume)
HB 336 Revising the membership of the Advisory Council for Medical Assistance. (Pettit)
HB 337 Establishing methods of solid waste disposal. (Pettit, Ball)
HB 338 Making an appropriation for teachers' retirement. (Allen and others)
HB 339 Requiring certain vehicle information on motor vehicle financing statements. (Baker)
HB 340 Establishing a State Sweepstakes Commission. (Lawson and others)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 315	304	471	864	868	919	1642	2643	2655	973, 1003, 1201, 1302, 2655
HB 316	304	471	706	706	736				821, 901, 925
HB 317	304	470	821	821	919	1001	2577	2590	973, 2590
HB 318	304	470	1754						
HB 319	305	471	1450						
HB 320	305	470	888						
HB 321	305	470	1754						
HB 322	305	470	825	845	919				
HB 323	305	470	757						
HB 324	305	470	758	759	888				906, 934, 968
HB 325	379	471	493	499	736				
HB 326	379	470	697	699	736	899			821
HB 327	379	470	1268						
HB 328	379	470	939	939	990	1214	2596	2601	1131, 2628
HB 329	379	470	742	750	888	929	2596	2601	906, 2628
HB 330	379	471	864	864	919	1203	2596	2601	973, 2628
HB 331	379	471	1268	1271	1413	1934			1417
HB 332	379	470	989						
HB 333	380	471	864	864	919	1212	2586	2590	973, 1203, 2590
HB 334	380	470	1039	1039	1279	1992	2454	2573	1412, 1921, 2590
HB 335	380	470	690	692	736	899			821
HB 336	380	470	1399	1399	1417	2029	2633	2640	2640
HB 337	380	470	1039	1071	1279	1931	2577	2601	415, 1412, 2628
HB 338	380	470	914	914	964	1205			973
HB 339	380	470	883	883	919	1204	2577	2601	973, 2628
HB 340	395	470	1901						2020

HB 341 Authorizing credit on county licenses of payments to cities. (Mitchell)
HB 342 Authorizing state aid for local parks. (Rattliff and others)
HB 343 Authorizing return by counties to commission form of government. (Clapp, Maddox)
HB 344 Deleting the sales tax exemption on railroad locomotives and rolling stock. (James)
HB 345 Authorizing electronic voting systems for counties. (Russell and others)
HB 346 Requiring insurers to maintain offices in the state if doing business herein. (Riddle)
HB 347 Regulating dangerous drugs. (Riddle)
HB 348 Requiring financial responsibility disclosure to certain parties. (Riddle)
HB 349 Requiring gubernatorial candidates not to promise not to raise taxes. (McBrayer and others)
HB 350 Authorizing plumbing regulation by counties containing a city of the fourth class. (Siemens and others)
HB 351 Legalizing certain coin-operated amusement machines. (Akers)
HB 352 Adding an engineer to the State Board of Health. (Curlin)
HB 353 Removing privilege of parole from persons convicted of crimes involving use of deadly weapons. (Hoe)
HB 354 Requiring licensure of septic tank service men. (Louden)
HB 355 Requiring police and firemen to abide by statutory provisions. (Lassiter)
HB 356 Prohibiting use of school property for public purposes on Sundays and holidays. (Wells)
HB 357 Including a registered nurse as member of county health boards. (Hunt and others)
HB 358 Authorizing referendum on city ordinances at ensuing regular election. (Curlin)
HB 359 Authorizing group life insurance for county employees. (Curlin)
HB 360 Authorizing governmental units to acquire interest in airports. (Halleck and others)
HB 361 Authorizing city acquisition of property in urban renewal areas. (Webster)
HB 362 Requiring immediate notice of railroad accidents. (King)
HB 363 Requiring continuous review of school district transportation programs. (R. L. Miller and others)
HB 364 Establishing a minimum salary for certain school bus drivers. (Clark and others)
HB 365 Requiring regular or emergency certificates for school employees. (Peace, Clark)
HB 366 Granting retirement allowance options to teachers. (Halleck)
HB 367 Establishing procedures for gas pipeline service alteration. (Holbrook)
HB 368 Authorizing regulation of bail bondsmen. (Hoe, Cox)
HB 369 Authorizing court-ordered release of prisoners on conditions in lieu of bail. (Hoe, Cox)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 341	395	470	1034	1034	1279	1931			1412
HB 342	395	470	825	863	919	1001	2586	2590	973, 2590
HB 343	395	470	758	758	888	998	2577	2590	906, 929, 968, 2590
HB 344	395	470							
HB 345	427	470	1733	1746	1869				2020
HB 346	427	470	1087	1087	1279	2203			2020
HB 347	428	470	742	750	888	934	2598	2617	906, 2628
HB 348	428	471	1632	1634	1760	2202			2020
HB 349	429	470	1754						
HB 350	430	471	985	986	1132	1647	2598	2617	1219, 1312, 2628
HB 351	430	470	944	954	990	1211			1131, 1914
HB 352	430	470	989						
HB 353	430	470							
HB 354	430	470	1661	1665	1869	2030	2662	2678	2678
HB 355	430	470	1725	1728	1869	1999	2596	2601	1990, 2628
HB 356	430	470	1330						
HB 357	430	470	757						
HB 358	431	470	915	916	964	1201	2306	2454	973, 1003, 2590
HB 359	431	471	1793	1805	1911				1990
HB 360	431	471	878	878	919	1204	2633	2640	973, 2640
HB 361	431	470							
HB 362	431	471							
HB 363	472	715	1889						
HB 364	472	715	1326	1327	1417	2458			2020, 2200
HB 365	472	715	957	960	990	1310			1131, 1309
HB 366	472	715	1268						
HB 367	472	715	883						
HB 368	472	715	2058	2058	2168				
HB 369	473	715	2058	2077	2168				

HB 370 Requiring pay for election officers at instruction sessions. (Bamberger and others)
HB 371 Requiring social security numbers on drivers' licenses. (Arnett)
HB 372 Requiring railroads to control debris and vegetation near switching operations. (Arnett and others)
HB 373 Authorizing group life insurance for college and university employees. (Arnett and others)
HB 374 Imposing the motor vehicle usage tax on the full price of the vehicle. (Hoe)
HB 375 Revising motor vehicle inspection provisions. (Pettit, Harper)
HB 376 Requiring filing of maintenance standards by railroads. (Arnett and others)
HB 377 Prohibiting reports of business tax returns to counties. (Arnett and others)
HB 378 Establishing the Kentucky Law Enforcement Council. (Harper, Rickert)
HB 379 Requiring minimum railroad train crews. (McBrayer)
HB 380 Increasing maximum police court costs in cities of the second class. (King, Mershon)
HB 381 Prohibiting secondary picketing in labor disputes. (White)
HB 382 Prohibiting intimidation connected with labor organizations. (White)
HB 383 Authorizing popular election of county school superintendents. (Clapp, Maddox)
HB 384 Prohibiting discrimination against minorities in real estate transactions. (Kidd and others)
HB 385 Exempting food, clothing and medicine from the sales tax. (Isler)
HB 386 Increasing maximum amounts lendable by credit unions. (Blume)
HB 387 Authorizing motor vehicle sales and salvage business on the same premises. (Riddle)
HB 388 Authorizing animal disease control programs. (W. F. Davis)
HB 389 Authorizing requirement of gate or flagman at all railroad crossings. (James)
HB 390 Requiring lease of park lodges and restaurants to private concessioners. (King)
HB 391 Authorizing monthly expense allowance for county judges. (Mitchell, Hopkins)
HB 392 Increasing salaries of judges and legislators. (Morgan, Ball)
HB 393 Authorizing location of oil wells within 100 feet of property line. (Akers, Sartin)
HB 394 Exempting air or water pollution facilities from local property taxes. (Curlin)
HB 395 Deeming 18 years as the age of majority. (Morgan)
HB 396 Authorizing issue of summons by trial judges, prosecuting attorneys or court clerks. (Schmidt)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 370	473	715	1754						
HB 371	473	715							
HB 372	473	715							
HB 373	473	715	1087	1088	1279				
HB 374	473	715	1326						
HB 375	473	715	2080						
HB 376	473	715							
HB 377	473	715							
HB 378	473	715	1119						
HB 379	473	715							
HB 380	473	715							
HB 381	473	715							2317
HB 382	473	715							
HB 383	492	715	1330						
HB 384	492	715							1639
HB 385	492	715							2020
HB 386	492	715	1783	1783	1911	2039			2020
HB 387	493	715	1251	1251	1413				
HB 388	493	715	825	862	919	1302	2643	2655	973, 1206, 2655
HB 389	493	715	1632	1635	1760	2308			2020
HB 390	493	715							
HB 391	709	715	1219	1230	1413				1417, 1936
HB 392	714	741	1319	1321	1417	2038	2633	2640	2020, 29634, 2640
HB 393	714	742							1087
HB 394	714	741	1319	1320	1417	2030			
HB 395	714	742	1119	1120	1279				1412, 1921, 2024, 2457
HB 396	714	742							

HB 397 Defining types of flashing lights to be used on certain vehicles. (Prather and others)
HB 398 Requiring planning map amendments to conform to total plans. (Hardin, Pettit)
HB 399 Increasing sales tax and motor vehicle fees. (Morgan, Ball)
HB 400 Biennial executive budget. (Morgan, Ball)
HB 401 Establishing new community colleges at Carrollton, Glasgow and Madisonville. (Louden and others)
HB 402 Authorizing suspension of judgment and probation of convicted juveniles. (McCallum)
HB 403 Devoting one-half of racing pari-mutuel breaks to the Commonwealth. (King)
HB 404 Authorizing creation of non-profit foundations to administer grants to state agencies. (Hunt and others)
HB 405 Including all state functioning agencies within the jurisdiction of the State Property and Buildings Commission. (Hunt and others)
HB 406 Creating the State Board of Medical Examiners. (Hunt and others)
HB 407 Increasing sales and other taxes. (Morgan)
HB 408 Declaring transplantation of human tissue to be a service. (Cruse and others)
HB 409 Revising county court fees. (Denham)
HB 410 Reclassifying Villa Hills as a city of the fifth class. (Mershon)
HB 411 Redefining provisions concerning embezzlement. (Ball, Morgan)
HB 412 Repealing various obsolete criminal statutes. (Ball, Morgan)
HB 413 Limiting teachers' disability retirement. (Arnett and others)
HB 414 Redefining homes for the aged and infirm. (Bruce)
HB 415 Requiring listing of decedents' personal property. (Isler, Mershon)
HB 416 Authorizing investments by all companies licensed by the Department of Banking. (Curlin)
HB 417 Revising the minimum age for school attendance. (Irick and others)
HB 418 Requiring owners' financial responsibility for registration of self-propelled vehicles. (King and others)
HB 419 Prohibiting court award of attorney's fees in certain unclaimed wage disputes. (Baker)
HB 420 Requiring measles and smallpox immunizations for children. (Pettit, Ball)
HB 421 Redefining homes for the aged and infirm. (James)
HB 422 Prohibiting transfer of mortgaged motor vehicle without consent of the secured party. (Prather, Halleck)
HB 423 Proposing a constitutional amendment to require annual sessions of the General Assembly. (McCallum and others)
HB 424 Authorizing condemnation by private colleges and universities. (McNamara)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 397	714	742	1018	1022	1279	2203			2020
HB 398	714	742	864	867	919	1206	2573	2590	973, 2590
HB 399	714	741	1036	1134	1279	1766	2573	2601	1133, 1417, 1870, 2628
HB 400	715	741	1036	1157	279	1760	2573	2601	920, 1417, 1876, 2628
HB 401	736	742	914	914	964	999	2596	2601	973, 2628
HB 402	736	742	1399	1402	1417	2031			
HB 403	736	741							
HB 404	736	742	1093	1093	1279	1994	2633	2655	1412, 1925, 2638, 2655
HB 405	736	742	1093	1096	1279	1994	2633	2655	1412, 1925, 2638, 2655
HB 406	736	742	1704						
HB 407	737	741							
HB 408	740	820	1399	1406	1417	2031	2633	2640	2640
HB 409	740	820	1219	1224	1413	2290	2662	2678	2020, 2678
HB 410	740	820	973	981	1132	1646	2652	2678	1219, 1310, 2678
HB 411	740	820	1793						
HB 412	740	820	1334	1378	1417	1937			1418
HB 413	740	820	957	958	990	1308			1131
HB 414	740	820							
HB 415	740	820	1774						
HB 416	741	820	1793						
HB 417	741	820	1330						
HB 418	741	820							
HB 419	741	820							
HB 420	741	820	1399	1406	1417	2032	2633	2655	2655
HB 421	793	820							
HB 422	793	820							
HB 423	816	820	918	918	964	1002	1927	1983	973, 1929, 1983
HB 424	818	938							

HB 425 Authorizing court-ordered testimony by persons refusing on grounds of self-incrimination. (Hoe, Hunt)
HB 426 Requiring notice by defendants of intent to present evidence of mental disorder. (Hoe, Hunt)
HB 427 Allowing reasonable grounds arrest by peace officers for various misdemeanors. (Hoe, Hunt)
HB 428 Prohibiting participation in a riot. (Hoe, Hunt)
HB 429 Granting sentence credit for time in custody prior to sentence. (Hoe, Hunt)
HB 430 Requiring defendants to file notice of alibi defense. (Hoe, Hunt)
HB 431 Prohibiting obstruction of fire fighting operations. (Hoe, Hunt)
HB 432 Authorizing 30-day release of indigents failing to pay fines and costs. (Hoe, Hunt)
HB 433 Requiring persons to aid peace officers upon request. (Hoe, Hunt)
HB 434 Prohibiting resistance to arrest or threatening of peace officers. (Hoe, Hunt)
HB 435 Prohibiting any threat to commit a crime of violence. (Hoe, Hunt)
HB 436 Prohibiting attempts to commit offenses. (Hoe, Hunt)
HB 437 Defining perjury and provisions thereon. (Hoe, Hunt)
HB 438 Defining criminal conspiracy and provisions thereon. (Hoe, Hunt)
HB 439 Authorizing traffic regulation promulgation by all counties. (Blandford)
HB 440 Deleting prohibition of appeal of circuit court decisions on city annexation. (Denham)
HB 441 Requiring insurance reimbursement for optometric services. (Murphy and others)
HB 442 Requiring insurance reimbursement for optometric services. (Murphy and others)
HB 443 Including optometric services under medical assistance programs. (Murphy and others)
HB 444 Defining criminal coercion. (Hoe, Hunt)
HB 445 Requiring fiscal notes on General Assembly bills. (Blythe)
HB 446 Prohibiting interest in excess of the legal rate. (Blythe)
HB 447 Exempting members of armed forces from income tax payment. (Blythe)
HB 448 Granting special vehicle license plates to National Guard members. (Blythe)
HB 449 Reducing the percentage of petitioners necessary to establish a sanitation district. (Blythe)
HB 450 Requiring licensure of electricians and electrical contractors. (Clapp)
HB 451 Authorizing cooperation for benefits under the federal Highway Safety Act. (Pettit, Ball)
HB 452 Prohibiting sale or use of toxic glue by minors. (Prather)
HB 453 Redefining benefit year for unemployment compensation purposes. (Baker)

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Other Action
HB 425	818	939							1003
HB 426	818	939	1450						1003
HB 427	818	939							1003
HB 428	818	939							1003
HB 429	818	939	1268	1272	1413	1996	2643	2655	1003, 1417, 1936, 2655
HB 430	819	939	1450						1003
HB 431	819	939	1268	1273	1413	1995			1003, 1417, 1936
HB 432	819	939							1003
HB 433	819	939	1274						1003
HB 434	819	939	1774						1003
HB 435	819	939							1003
HB 436	819	939							1003
HB 437	819	939							1003
HB 438	819	939							1003
HB 439	819	938	1219	1221	1413	2032			
HB 440	819	938	973	981	1132	1311			1219
HB 441	819	938							
HB 442	819	938							
HB 443	819	938							
HB 444	819	939							1003
HB 445	820	939							
HB 446	820	938	1783	1787	1911	2039			2020
HB 447	820	938	1704	1712	1869				
HB 448	820	939	1450	1609	1760	2041			2020
HB 449	820	938							
HB 450	820	938	1901						
HB 451	820	938	1018	1026	1279	1925			1412
HB 452	820	938	1661	1702	1869	2138			2020
HB 453	820	938							

HB 454 Limiting state printing operations. (Blume)
HB 455 Reducing the age for marriage without consent. (R. L. Miller)
HB 456 Creating public health taxing districts. (Denham)
HB 457 Revising motor vehicle dealer licensing provisions. (Wheeler, Bleemel)
HB 458 Deleting grandfather licensing of motor vehicle dealers. (Wheeler, Bleemel)
HB 459 Placing burden of proof on state agencies in employee dismissals. (McBrayer)
HB 460 Requiring licensure of nudist societies. (McBrayer)
HB 461 Revising provisions concerning the Department of Law. (McBrayer)
HB 462 Creating the Kentucky Commission on Law Enforcement. (McBrayer)
HB 463 Requiring distribution for county roads of 50 percent of vehicle registration fees. (Webster)
HB 464 Authorizing assistant Commonwealth's attorneys in certain counties. (Schmidt and others)
HB 465 Increasing prisoners' credit on fines for hard labor. (Lawson)
HB 466 Increasing prisoners' credit toward bail for time in custody. (Lawson)
HB 467 Authorizing awards by the Board of Claims without subjection to the law of negligence. (Isler)
HB 468 Requiring licensure of photographers. (Bamberger, Rattliff).
HB 469 Considering police and firemen as city employees for residence purposes. (Curlin)
HB 470 Providing county maintenance of certain subdivision roads. (Jones and others)
HB 471 Revising prohibitions concerning taking of wild birds. (Rickert)
HB 472 Enacting a code of ethics for public employees. (Ball, Hoffman)
HB 473 Requiring classification of real property held by the state. (Morgan, Ball)
HB 474 Authorizing compensation of property owners for moving expenses caused by state property acquisitions. (Morgan, Ball)
HB 475 Requiring payment of jury commissioners by circuit clerks. (Morgan, Ball)
HB 476 Increasing compensation of petit jurors. (Morgan, Ball)
HB 477 Creating the State Archives and Records Commission. (Walters, Hopkins)
HB 478 Increasing motor vehicle operators' license fees. (Mershon and others)
HB 479 Exempting $5,000 from property tax for persons over 65 years of age. (W. J. Reynolds and others)
HB 480 Increasing time allowed for filling of local board vacancies by the State Board of Education. (Hinkle)
HB 481 Authorizing circuit court review of refusal of tax authorities to levy school taxes. (Hinkle)
HB 482 Proposing a constitutional amendment to permit succession of himself by the Superintendent of Public Instruction. (Hinkle)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 454	897	939	1334	1350	1417	2033			
HB 455	897	938	1450						
HB 456	897	938	1704	1720	1869	2033	2643	2655	2655
HB 457	897	938	2218	2218	2452				
HB 458	897	938	2218	2224	2452				
HB 459	897	939	1093	1101	1279				2034
HB 460	897	939	1093	1997	1279	1649	2652	2678	1412, 2678
HB 461	897	939							
HB 462	898	939	1093	1105	1279	2034	2598	2617	2037, 2628
HB 463	898	938							
HB 464	898	938							
HB 465	904	938	1754	1757	1869	2014	2643	2655	1990, 2655
HB 466	904	938	1754	1757	1869	2015	2643	2655	1990, 2655
HB 467	904	939	1612						
HB 468	904	938	1274	1275	1413	1935			1417
HB 469	904	938	1725	1729	1869	2137			2020
HB 470	904	938	1219	1221	1413				2317
HB 471	904	938	1039	1075	1279	1992			1412, 1650, 1921, 2022
HB 472	905	939	1334	1369	1417				1983
HB 473	905	939	1334	1366	1417	2027			1990, 2026
HB 474	905	939	1334	1366	1417	1938	2643	2655	1418, 2655
HB 475	905	939	1334	1365	1417	1939	2647	2655	1418, 2655
HB 476	905	939	1334	1364	1417	1937	2647	2655	1418, 2655
HB 477	920	939	1093	1099	1279	1650			1412
HB 478	920	938							
HB 479	921	939	1093	1101	1279	1924			1412
HB 480	921	938	1265	1267	1413	2015			1990
HB 481	921	938	1889						
HB 482	921	938	1754						

HB 483 Authorizing merger of school districts by the State Board of Education. (Hinkle)
HB 484 Making statutory change to designate former state colleges as universities. (Hinkle)
HB 485 Decreasing the inhabitants required for school district levy of occupational or excise tax. (Hinkle)
HB 486 Declaring use of a firearm in committing a crime to be a separate offense. (King, Kessinger)
HB 487 Requiring in lieu tax payments by the Capital Plaza Authority. (Curlin)
HB 488 Requiring report to circuit clerks of motor vehicle operator license withdrawals. (Hunt)
HB 489 Creating the office of prosecuting attorney pro tem in cities of the third class. (Hunt)
HB 490 Defining certain property relative to attachment and garnishment. (Hunt)
HB 491 Authorizing city prosecutors to assist in circuit court cases. (Hunt)
HB 492 Requiring city police and firemen to be residents rather than voters. (Hunt)
HB 493 Increasing children's bureau service people in certain counties. (Ball and others)
HB 494 Requiring submission of executive budget estimates to the Legislative Research Commission. (Hardin and others)
HB 495 Authorizing establishment of pulmonary disease rehabilitation units. (Morgan, Ball)
HB 496 Making an appropriation for payment of claims. (Morgan, Ball)
HB 497 Prohibiting as a felony the explosion of bombs unlawfully. (Harper and others)
HB 498 Making destructive acts on public structures a felony. (Harper and others)
HB 499 Establishing meat inspection provisions. (Hopkins)
HB 500 Validating motor vehicle operators' licenses of military personnel. (DeMarcus)
HB 501 Creating the Kentucky Quarter Horse Commission. (Keene and others)
HB 502 Authorizing income tax deduction for federal civil service annuities. (McBrayer)
HB 503 Requiring surety for bail bondsmen. (Hunt and others)
HB 504 Authorizing any attorney or minister to interview a defendant. (Hunt and others)
HB 505 Requiring registration of convicts upon release. (Hoe)
HB 506 Deleting requirement of voting machine operation assistance for disabled voters. (White)
HB 507 Exempting motion picture projectionists from obscene matter penalties. (Blume)
HB 508 Increasing maximum unemployment compensation. (Blume)

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Other Action
HB 483	921	938	1330						
HB 484	921	938	1265	1266	1413	1933			1417
HB 485	921	938	1265	1267	1413				
HB 486	921	938							
HB 487	937	1003	1704	1706	1869				
HB 488	937	1003	1632	1635	1760				1990, 2026, 2457
HB 489	938	1003	1725	1729	1869	2016			1990
HB 490	938	1003							
HB 491	938	1003	2043	2043	2168				2020, 2283
HB 492	938	1003							
HB 493	969	1003	1754	1758	1869	2009			1990
HB 494	971	1003	1093	1110	1279	1650	2586	2590	1412, 2590
HB 495	972	1003							
HB 496	972	1003	1319	1322	1417	1939	2643	2655	1418, 2655
HB 497	972	1003	1450	1608	1760	2453			
HB 498	972	1003	1450	1603	1760				2020, 2454
HB 499	972	1003	1806	1806	1911	2004	2584	2617	1990, 2628
HB 500	972	1003	2218	2224	2452				
HB 501	972	1003	1612	1616	1760	2455	2643	2655	2283, 2655
HB 502	972	1003	1946	1953	1982	2204	2633	2640	2020, 2640
HB 503	972	1003	1334	1351	1417	2038			1201, 1990, 2016, 2026
HB 504	973	1003	1334	1349	1417				1201, 2026
HB 505	973	1003							
HB 506	973	1003	2281						
HB 507	973	1003							
HB 508	973	1003							

HB 509 Increasing maximum unemployment compensation. (Blume)
HB 510 Requiring reflectorized license plates for 1970. (White and others)
HB 511 Redefining membership of the State Board of Elections. (McCallum)
HB 512 Prohibiting change of party affiliation between regular and primary elections. (McCallum)
HB 513 Authorizing cities to use the assessed value basis of financing acquisition of sewage facilities. (Blythe)
HB 514 Authorizing sanitation districts to extend facilities by construction or purchase. (Blythe)
HB 515 Authorizing tourist and convention commissions in certain counties. (Stuart and others)
HB 516 Revising date for compliance with federal acts on rehabilitation of the handicapped. (Hinkle)
HB 517 Authorizing retention of retirement benefits by state policemen. (Morgan)
HB 518 Exempting certain plumbing contractors from regulation. (Blume, Kidd)
HB 519 Excluding military retirement income from taxation. (Maddox, Dawhare)
HB 520 Requiring sheriff's name and address on property tax bills. (Greer)
HB 521 Authorizing payment of tax on one parcel of property under multiparcel tax bills. (Greer)
HB 522 Exempting certain education personnel from the merit system. (Hinkle)
HB 523 Increasing compensation of county education board members. (McKinney and others)
HB 524 Increasing membership of the State Racing Commission. (Blume)
HB 525 Requiring permits for manufacturers and distributors of milk substitutes. (Keene)
HB 526 Permitting spouses to recover damages for loss of consortium. (Ray, McKinney)
HB 527 Establishing salaries for county alcoholic beverage administrators. (Curlin)
HB 528 Redefining boundaries of the sixty-fourth and sixty-fifth legislative districts. (Isler, King)
HB 529 Prohibiting improperly signed communications to influence legislation. (Miller and others)
HB 530 Authorizing travel expenses for certain jurors. (Bruce, Ball)
HB 531 Requiring determination by the county clerk of ballot paper quality. (Ball, Bruce)
HB 532 Requiring rabies vaccinations for cats. (Siemens)
HB 533 Revising provisions concerning mental health. (Pettit and others)
HB 534 Requiring observation of certain national holidays on Monday. (Hoe)
HB 535 Excluding military income from taxation. (Hinkle)
HB 536 Placing state employment under unemployment compensation. (Dawhare and others)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 509	1005	1215							
HB 510	1005	1215							
HB 511	1005	1215	2281						
HB 512	1005	1215	2281						
HB 513	1006	1215	2043	2044	2168				2317
HB 514	1006	1215	2168	2190	2452				
HB 515	1006	1215	1725	1730	1869	2026	2573	2590	2590
HB 516	1006	1215	2081	2082	2168				
HB 517	1006	1215	1334	1363	1417	1936	2643	2655	1418, 1936, 2655
HB 518	1006	1215							
HB 519	1006	1215							
HB 520	1006	1215	1704	1704	1869	2027			
HB 521	1006	1215	1704	1713	1869	2014			1990
HB 522	1006	1215	1889						
HB 523	1006	1215	1869						
HB 524	1006	1215	1612	1620	1760	2136	2643	2655	2020, 2655
HB 525	1006	1215							
HB 526	1006	1215	1774	1777	1911	2294			2020
HB 527	1210	1215	1760						
HB 528	1210	1215	1450	1605	1760	2003			1990
HB 529	1210	1215	1450	1604	1760	2013			1990
HB 530	1211	1215	1704	706	1869	2008			1990
HB 531	1211	1215	1754						
HB 532	1211	1215	1853						
HB 533	1211	1215	1661	1669	1869	2005	2633	2655	1990, 2655
HB 534	1217	1314	1793	1802	1911	2006			1990
HB 535	1217	1313							
HB 536	1217	1313							

HB 537 Reducing the rate of taxation on certain intangibles. (Morgan and others)
HB 538 Requiring counties to provide flags for display at voting places. (Alexander)
HB 539 Reducing minimum size for distilled spirits containers. (McGill)
HB 540 Increasing state grants for local fairs. (Keith, Brown)
HB 541 Requiring appropriations for purebred cattle shows. (Keith and others)
HB 542 Authorizing water districts to supply natural gas. (Maddox)
HB 543 Redefining required local school tax effort. (Schmidt and others)
HB 544 Granting a retirement allowance to otherwise ineligible teachers. (Sartin and others)
HB 545 Revising methods for acquisition of state park lands. (Rattliff)
HB 546 Requiring notice of motor vehicle operator's license expiration. (Isler)
HB 547 Prohibiting subsequent motor vehicle operator licensing following certain violations. (Ball, Siemens)
HB 548 Defining reckless driving. (Ball, Siemens)
HB 549 Increasing maximum off-duty hours for certain firemen. (Lassiter)
HB 550 Creating a Bureau of Criminal Identification and Statistics. (Cox)
HB 551 Including vocational rehabilitation among workmen's compensation benefits. (Cox)
HB 552 Authorizing county clerks an allowance for custody of voting machines. (Morgan)
HB 553 Increasing court clerks' fees. (Morgan)
HB 554 Increasing financing statement filing fees. (Morgan)
HB 555 Revising membership of the termite and pest control examining board. (Stuart)
HB 556 Including state police radio dispatchers and technicians in retirement system coverage. (Cox, Simmons)
HB 557 Requiring attorneys' fees to be taxed as costs. (Akers)
HB 558 Requiring school instruction on the nature and effects of alcoholic beverages. (Hinkle)
HB 559 Increasing certain minimum teachers' salaries. (Hinkle)
HB 560 Including property value appreciation in net assessment growth computations. (Hinkle)
HB 561 Requiring textbook publishers to pay shipping and insurance charges thereon. (Hinkle)
HB 562 Requiring determination of fair cash value of property assessed for school purposes. (Hinkle)
HB 563 Increasing teachers' salaries. (Hinkle)
HB 564 Enacting the interstate agreement on detainers. (Clapp, Bleemel)
HB 565 Authorizing private school tuition deduction from state income for taxes. (Isler)
HB 566 Establishing a registry of natural areas. (Rickert)
HB 567 Authorizing county purchase of state flags for scout troops. (Irick, Justice)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	3rd	Senate Message	Enrolled	Other Action
HB 537	1217	1314	1334	1335	1417	1937	2584	2601	1418, 2628
HB 538	1218	1314							
HB 539	1218	1313	1901						
HB 540	1218	1313	1946	1957	1982	2201	2633	2640	2020, 2640
HB 541	1218	1313	1330	1330	1417	2013	2584	2601	1990, 2628
HB 542	1218	1314	1637						
HB 543	1218	1313	1946	1959	1982	2201	2635	2655	2020, 2287, 2655
HB 544	1218	1313	1869						
HB 545	1218	1313	1330	1332	1417	2012			1990
HB 546	1218	1314							
HB 547	1218	1314							
HB 548	1218	1313	2080						
HB 549	1312	1313							
HB 550	1313	1313	1774	1774	1911				
HB 551	1313	1313							
HB 552	1313	1314	1334	1348	1417				2020
HB 553	1313	1314	1334	1341	1417				2020
HB 554	1313	1314	1334	1339	1417				2020
HB 555	1313	1313							
HB 556	1313	1314	1334	1358	1417				2317
HB 557	1316	1417	1774						
HB 558	1316	1416	1853	1853	1911	2137			2020, 2136
HB 559	1316	1416	1853	1855	1911	2455	2635	2655	2283, 2655
HB 560	1316	1416	1889						
HB 561	1316	1416	1853	1867	1911	2011			1990
HB 562	1316	1416	1853	1862	1911	2454	2643	2655	2283, 2655
HB 563	1316	1416	1853	1864	1911	2011	2643	2655	1990, 2655
HB 564	1316	1417							
HB 565	1316	1416							2022
HB 566	1316	1416	1806	1832	1911				
HB 567	1316	1416							

HB 568 Disallowing federal tax deduction for state income tax purposes. (Blume)
HB 569 Including certain damage actions within the one-year limitation. (Curlin)
HB 570 Including the Commissioners of Health and Mental Health in state salary scales. (Curlin)
HB 571 Authorizing fiscal courts to determine distribution of county funds to road or general funds. (McNamara)
HB 572 Requiring all taxing districts to use the state assessment. (Hinkle)
HB 573 Creating a Commission on Teacher Education and Certification. (Hinkle)
HB 574 Authorizing use of teachers' sick leave for personal purposes. (Allen)
HB 575 Authorizing group insurance for state employees. (Ball)
HB 576 Authorizing the creation of hospital districts. (Murphy and others)
HB 577 Establishing salary and fee schedules for county tax commissioners. (James)
HB 578 Granting pole easements to certain public utilities. (Akers)
HB 579 Authorizing independent planning units for cities and counties. (Greer)
HB 580 Authorizing banks to acquire property of customers. (Morgan)
HB 581 Deleting manufacturing tax classification for printing firms. (Akers)
HB 582 Establishing a medical examiner service program. (R. L. Miller)
HB 583 Repealing all sales and use tax exemptions. (Blume)
HB 584 Extending social security coverage to school teachers. (Murphy)
HB 585 Enacting the Interstate Agreement on Qualification of Educational Personnel. (Hinkle)
HB 586 Increasing county judge expense allowances. (Mitchell)
HB 587 Establishing community colleges at certain locations. (Mitchell)
HB 588 Extending hours for thoroughbred racing. (Johnson)
HB 589 Establishing a Division of Archaeology. (Russell)
HB 590 Reducing the minimum capacity of distilled spirits containers. (McGill)
HB 591 Increasing maximum interest on industrial revenue bonds. (Harper and others)
HB 592 Requiring monthly distribution of school foundation funds. (Wheeler)
HB 593 Prohibiting transfer of certain teachers. (Siemens)
HB 594 Making an appropriation for additional state policemen. (Hardin and others)
HB 595 Establishing the Kentucky Wild Rivers Study Commission. (Hopkins)
HB 596 Authorizing taxicab companies a refund of motor fuel taxes. (Wright)
HB 597 Authorizing reexamination of certain nurses. (Arnett)
HB 598 Revising terms for members of the termite and pest control examining board. (Morgan, Ball)
HB 599 Increasing per diem of General Assembly employees. (Morgan, Wheeler)
HB 600 Granting teachers leave of absence on election day. (Irick, Justice)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 568	1316	1416							
HB 569	1316	1417							
HB 570	1414	1417	1612						
HB 571	1414	1416	1806	1841	1911				
HB 572	1414	1416	2080	2080	2168				
HB 573	1414	1416	1889	1891	1982				
HB 574	1414	1416	1853	1868	1911				
HB 575	1414	1417	1793	1804	1911	2007	2662	2678	1990, 2678
HB 576	1414	1416							
HB 577	1415	1416	1704	1707	1869	2010	2643	2655	1990, 2655
HB 578	1416	1654							
HB 579	1416	1654							
HB 580	1641	1654	1783	1788	1911	2005	2584	2601	1990, 2628
HB 581	1641	1654							
HB 582	1641	1654	1946						
HB 583	1641	1654							
HB 584	1641	1654	1889						
HB 585	1641	1654	1853	1856	1911				
HB 586	1641	1654	1754	1759	1869	2286			2020
HB 587	1641	1654	1889						
HB 588	1641	1654	1896	1896	1982	2456	2643	2655	2283, 2655
HB 589	1641	1654	1959	1973	1982				2317
HB 590	1641	1654	1940	1942	1982				2020
HB 591	1642	1654	1793	1793	1911	2037	2573	2580	2020, 2590
HB 592	1653	1654	1889						
HB 593	1653	1654	1889						
HB 594	1653	1654							
HB 595	1655	1771	1806	1839	1911				
HB 596	1655	1772	2218	2225	2452				2633, 2645
HB 597	1655	1772							
HB 598	1771	1772	1793	1796	1911				2317
HB 599	1771	1772	1793	1801	1911	2025	2633	2640	1990, 2633, 2640
HB 600	1773	1877	2281						

HB 601 Requiring investigation and report of suspected venereal disease. (Bamberger and others)
HB 602 Exempting Department of Mental Health physicians from state classified service. (Irick, Justice)
HB 603 Revising Commission on Alcoholism provisions. (Cox)
HB 604 Establishing minimum salary for certain city policemen. (White)
HB 605 Creating the Kentucky Program Development Office. (Stuart)
HB 606 Authorizing the Governor to designate area development councils. (Stuart)
HB 607 Requiring circuit court establishment of stenographic reporters' salaries. (Hardin)
HB 608 Establishing the Kentucky Health and Geriatric Authority. (Wright and others)
HB 609 Defining fair cash value of real property for assessment purposes. (Keene, Johnson)
HB 610 Authorizing commission as peace officers of motor transportation employees. (Wolchik)
HB 611 Requiring inspection of dairy farms and milk plants. (Prather)
HB 612 Permitting injunction to prevent work stoppage by certain public employees. (Blume)
HB 613 Establishing a minimum salary for all full-time policemen. (Blume)
HB 614 Limiting workmen's compensation awards. (Blume)
HB 615 Authorizing urban renewal powers for cities of the third class. (Hunt)
HB 616 Specifying election procedures in merged school districts. (Jones, Melton)
HB 617 Defining compensation for justices of the peace. (Isler)
HB 618 Deleting penalty for school district failure to meet local tax effort. (Hinkle)
HB 619 Requiring corporations to pay employees bi-weekly. (King)
HB 620 Increasing special motor fuel excise tax. (Sartin, Bamberger)
HB 621 Limiting the right of way of county roads. (Sartin, Bamberger)

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 601	1773	1877							
HB 602	1773	1877	2081	2082	2168				2283, 2457
HB 603	1773	1877	1896	1897	1982	2040	2633	2640	2020, 2640
HB 604	1877	1877							
HB 605	1877	1877	1959	1970	1982				2020
HB 606	1877	1877	1959	1968	1982				2020
HB 607	1885	1926							
HB 608	1885	1926							
HB 609	1885	1926	1940	1940	1982				2020, 2136
HB 610	1885	1926	2218	2227	2452				
HB 611	1885	1926							
HB 612	1886	1926							
HB 613	1886	1926							
HB 614	1886	1926							
HB 615	1927	1940							
HB 616	1927	1939	2150	2152	2452				
HB 617	1927	1939							
HB 618	1980	2022	2153						
HB 619	2147	2316							
HB 620	2602								
HB 621	2602								

HISTORY OF HOUSE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated **HJR**; concurrent resolutions are designated **HCR**.

HR 1 Inviting pastors to open sessions of the General Assembly with prayer. (Morgan)
HR 2 Adjourning in memory of Hubert E. King. (Isler and others)
HR 3 Authorizing appointment of a committee to wait upon the Governor. (Morgan)
HJR 4 Making an appropriation to the Legislative Research Commission. (Morgan)
HR 5 Adopting permanent rules. (Morgan)
HR 6 Adjourning in memory of John C. Bourne. (McNamara and others)
HR 7 Requesting construction of the Red River Dam. (Walters)
HR 8 Adjourning in memory of August F. Rosenberger. (R. L. Miller and others)
HCR 9 Requesting redefinition of time zone boundaries. (McCallum, Morgan)
HCR 10 Requesting maintenance of payments to needy aged. (Peace and others)
HR 11 Extending the privilege of the floor to Carole Martin. (Blume, Ball)
HCR 12 Recessing for a tour of the Frankfort State Hospital and School. (Pettit and others)
HCR 13 Requesting completion of certain highways. (Holbrook and others)
HR 14 Adjourning in memory of Ernie Buecker. (McNamara and others)
HR 15 Inviting Rabbi Bernard Schwab to offer invocation. (Murphy)
HR 16 Proclaiming Jaycee Week in Kentucky. (Riddle, McBrayer)
HR 17 Requesting federal study of red meat imports. (Bruce, Hardin)
HR 18 Requesting federal refusal of railroad train discontinuance request. (Denham and others)
HR 19 Requesting restoration to navigable condition of the upper Green and Barren Rivers. (Brown, Massey)
HR 20 Adjourning in memory of R. E. Hale. (Arnett)
HR 21 Commending the younger generation. (Wooley)
HR 22 Adjourning in memory of Bain "Tiny" Jones. (McNamara, Denham)
HR 23 Urging construction of the Kingdom Come Reservoir. (Dawhare and others)
HR 24 Adjourning in memory of Mrs. Cice Strong. (Holbrook)
HR 25 Directing a committee to investigate state property rental. (Wesley)
HR 26 Adjourning in memory of Paul E. Young. (Brown, Hampton)
HR 27 Extending appreciation to the University of Louisville. (Ballenger and others)
HR 28 Inviting John Y. Brown to address the House of Representatives. (McBrayer and others)

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Adopted	Senate Message	Enrolled	Other Action
HR	1	6					7			
HR	2	7					7			
HR	3	7					8			
HJR	4	33	60	76	76	82	88	148	150	88, 168
HR	5	8					33			
HR	6	56					57			
HR	7	61	67	70	70		73			73
HR	8	61		71	71		73			
HCR	9	74	98	259	260	297	461			306, 377, 413
HCR	10	76	98	112	112	128	153	460	2573	148, 2590
HR	11	76		77	77		78			
HCR	12	78	78	81	81		82	93		
HCR	13	84	98	457	457	479	808	1927	1983	708, 1983
HR	14	84					87			
HR	15	84		98	98		103			
HR	16	84		98	99		102			
HR	17	84	97		132		133			
HR	18	90	98	129	130		133			
HR	19	97		122	122		133			
HR	20	97		103	103		103			
HR	21	97					117			
HR	22	122		129	129		132			
HR	23	122		129	129					132
HR	24	122		129	131		134			
HR	25	136		165			265			166, 365
HR	26	136					151			
HR	27	136					150			
HR	28	172					190			

HR	29	Adjourning in memory of Samuel Houtchens. (Keene and others)
HCR	30	Requesting pavement of Highway 806. (Holbrook)
HR	31	Directing investigation of extremist police officers. (Blume, W. J. Reynolds)
HCR	32	Urging appropriation of vocational rehabilitation matching funds. (W. J. Reynolds and others)
HR	33	Requesting school districts to begin school one hour later. (Jones and others)
HR	34	Commending the Kentucky Air National Guard. (Blythe and others)
HR	35	Directing a study of continuous operation of the schools. (McBrayer and others)
HR	36	Supporting the President in efforts to secure the return of the **Pueblo.** (Blume)
HR	37	Naming the gray squirrel as the state game species. (Morgan)
HCR	38	Urging opposition to federal plans not to expand national cemeteries. (Mitchell)
HR	39	Inviting Reverend J. D. Tyree to offer invocation. (James)
HR	40	Urging presidential consideration of income tax discrimination on teachers' retirement benefits. (Peace and others)
HJR	41	Requesting redefinition of time zone boundaries. (Cox)
HCR	42	Urging federal reconsideration of time zone boundaries. (White, Bamberger)
HJR	43	Directing a study of penal statutes. (Hoe)
HR	44	Adjourning in honor of the Hopkins County Youth Center. (Cox)
HR	45	Declaring Negro History Week. (McGill)
HR	46	Requesting federal attention to meat inspection problems. (Bruce, McCallum)
HR	47	Requesting establishment of Greenwich Mean Time. (Blythe)
HR	48	Adjourning in memory of Edward Calhoun. (Lawson, Holbrook)
HR	49	Commending John Paul Jones. (Halleck and others)
HCR	50	Requesting four-lane construction of Highway 23. (Akers and others)
HR	51	Adjourning in memory of Roscoe C. Tartar. (DeMarcus, Floyd)
HR	52	Directing a study on local intergovernmental cooperation. (Curlin)
HCR	53	Directing a study of the 1966 Corrupt Practices Act. (DeMarcus and others)
HCR	54	Requesting a study of TVA-donated park sites. (McCallum, Lassiter)
HR	55	Urging approval of plans for interstate highway construction. (Schmidt)
HR	56	Requesting federal order of a floodwall feasibility study. (Rickert and others)

		Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Adopted	Senate Message	En-rolled	Other Action
HR	29	172			188		189			189
HCR	30	172	197	457	458		809	1927	1983	708, 1983
HR	31	210					211			
HCR	32	210	221	259	260	297	367	964	996	306, 368, 1132
HR	33	221		297			2201			415,462, 709, 807, 891,924, 967, 997, 1201, 1302, 1643, 1921, 1992, 2024
HR	34	221					233			
HR	35	221					233			
HR	36	221					234			
HR	37	231					231			
HCR	38	236	306	1093	1115	1279	1921			1412
HR	39	239					263			
HR	40	239					264			
HJR	41	239	306	878						
HCR	42	265	306	878						
HJR	43	275	306	384	386	411	488	1927	1983	474, 1983
HR	44	275					298			
HR	45	300					301			
HR	46	380					388			
HR	47	380								389
HR	48	380					388			389
HR	49	380					390			
HCR	50	395	470	885	885	919	1202	2647	2655	973, 2655
HR	51	412					413			
HR	52	431	715	1093	1116	1279	1923			1412
HCR	53	473					479	1927	1983	1983
HCR	54	493	715	1093	1112	1279	1922			1412
HR	55	715					737			
HR	56	715					805			

HJR	57	Directing payment of a claim to Roy Dillard. (Maddox)
HR	58	Expressing concern over the need for mental health funds. (Irick)
HR	59	Adjourning in memory of J. T. Divine. (Richey)
HR	60	Urging repeal of the ruling lowering the age limit for participation in high school athletics. (Irick and others)
HJR	61	Creating a committee to investigate drug use on college campuses. (DeMarcus)
HCR	62	Requesting the University of Kentucky to divest itself of the Maine Chance Farm. (Russell and others)
HR	63	Requesting construction of a juvenile reception and diagnostic center in Daviess County. (Blandford and others)
HJR	64	Designating the gray squirrel as the state game species. (Morgan)
HJR	65	Directing a study of procedure for establishing a consumer protection agency. (Morgan, Rickert)
HR	66	Requesting reconstruction of Highway 80 to provide passing lanes. (Allen, W. J. Reynolds)
HR	67	Requesting reconstruction of certain federal highways. (Allen and others)
HR	68	Requesting a revenue estimate on removal of sales tax exemptions. (James)
HCR	69	Directing a study of outmoded statutes. (Stuart and others)
HCR	70	Requesting a study of the problem of Dyslexia. (Keene)
HR	71	Commending the University of Louisville basketball team. (Akers and others)
HR	72	Directing motorcycle lobbyists to improve their appearance. (Cox and others)
HR	73	Adjourning in memory of Samuel D. Hawkins. (Akers and others)
HR	74	Adjourning in memory of Dr. John O. Faurest. (Denham and others)
HCR	75	Directing a study of school district administration. (Wright and others)
HCR	76	Requesting protest of federal policy permitting savings and loan branch offices. (Morgan and others)
HCR	77	Requesting a study of highway needs in the Grapevine Community. (Justice, Irick)
HR	78	Congratulating the University of Kentucky basketball team. (Henry and others)
HCR	79	Commemorating the 200th anniversary of the crossing of Cumberland Gap. (Hoe)
HR	80	Inviting Francis J. Beaton to address the House of Representatives. (Murphy and others)
HCR	81	Directing a study of General Assembly press relations. (Carroll)
HCR	82	Expressing the sense of the General Assembly that a Mayo Vocational School extension should be built. (Allen)
HCR	83	Requesting a study of the effects of authorizing one-day fishing licenses. (Murphy)

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Adopted	Senate Message	Enrolled	Other Action
HJR	57	736	742	1093	1110	1279	1922	2643	2655	1412, 2655
HR	58	741					927			
HR	59	741					795			
HR	60	741					928			
HJR	61	794					795	1927	1983	1983
HCR	62	816	820	1334	1354	1417				2283, 2459
HR	63	818					890			
HJR	64	905	939	1093	1111	1279	1922	2633	2640	1412, 2640
HJR	65	905	938	1774	1781	1911	1998	2647	2655	1990, 2655
HR	66	905					921			
HR	67	905					922			
HR	68	905					923			
HCR	69	936	939	1093	1117	1279	1923			1412
HCR	70	937	1003	1326	1328	1417	2024			1990
HR	71	937					964			
HR	72	965					965			
HR	73	966					966			
HR	74	969					970			
HCR	75	970	1003	1326	1329	1417	1999			1990
HCR	76	971	1003	1093	1113		1132	1771	1772	1870
HCR	77	971	1003	1316	1317	1417	1999			1990
HR	78	990					991			
HCR	79	1005	1215	1450	1601	1760	1999			1990
HR	80	1005					1299			
HCR	81	1005	1215	1334	1334	1417	1999			1990
HCR	82	1211	1215	1265	1265	1413	1932	2584	2601	1417, 2628
HCR	83	1217	1313	1990	1990	2020				

HCR	84	Creating a Joint Committee on Un-American Activities. (Clapp, Kessinger)
HCR	85	Directing a study of unconstitutional statutes. (Murphy)
HJR	86	Directing a study of the State Board of Health. (Denham and others)
HCR	87	Directing a study of state property rentals. (Irick and others)
HR	88	Requesting planning of a Lincoln-Cumberland Parkway. (Rattliff and others)
HCR	89	Encouraging the Conference on the Advancement and Utilization of Science and Technology. (Hoffman)
HJR	90	Directing investigation of the Kentucky High School Athletic Association. (Kessinger)
HJR	91	Directing maintenance as a state institution of the University of Louisville. (Morgan and others)
HJR	92	Directing development recognition of uniform districts. (Stuart)
HCR	93	Directing a study of automobile liability insurance costs for state employees. (Jones and others)
HR	94	Requesting state coordination with the timber industry. (Baker, Harper)
HR	95	Directing a study of the severance tax. (Huff)
HR	96	Directing publication of an eight-volume edition of the statutes. (King)
HR	97	Expressing the sense of the House of Representatives that a road should be built for Craft Colly. (Holbrook)
HJR	98	Directing a study of mine safety laws. (Huff)
HR	99	Requesting investigation of the Louisville newspapers. (Akers)
HR	100	Commending Kentucky mine rescue teams. (Wesley and others)
HR	101	Adjourning in memory of Joseph Bruce Robinson. (Halleck)
HR	102	Adjourning in memory of George P. Anderson. (Smith)
HJR	103	Directing a study of mine safety laws. (Huff, DeMarcus)
HR	104	Requesting amendment of the federal Uniform Time Act. (Blandford)
HR	105	Requesting reconsideration of plans to discontinue a student center at the University of Kentucky. (King)
HR	106	Requesting federal authorities not to remove the tax exempt status of revenue bonds. (Stuart)
HR	107	Directing a study on a joint survey committee to consider tax exemptions. (Morgan)
HR	108	Requesting resurfacing of certain highways. (Holbrook)
HR	109	Adjourning in memory of George Sweatt. (Brown)
HR	110	Adjourning in memory of J. E. Hadden. (Simmons)
HR	111	Commending the Dawson Springs High School Band. (Cox)
HR	112	Directing appointment of a Task Force on Higher Education Resources. (DeMarcus and others)
HR	113	Commending the Legislative Research Commission staff and director. (Webster and others)

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Adopted	Senate Message	Enrolled	Other Action
HCR	84	1217	1314	1334	1355	1417	1997	2662	2678	1983, 1990, 1991, 2283
HCR	85	1315	1417	1450	1602	1760	1999			1990
HJR	86	1315	1416	1661	1661	1869	1999	2643	2655	1990, 2655
HCR	87	1641	1654	1793	1795	1911	1999			1990
HR	88	1655					1914			
HCR	89	1771	1772	1793	1801	1911	1999			1990
HJR	90	1773	1877	1959	1978	1982	2138			2020
HJR	91	1876	1877	1889	1894	1982	2037	2454	2573	2020, 2590
HJR	92	1877	1877	1959	1978					2020
HCR	93	1885	1926							
HR	94	1886					1913			
HR	95	1915					1915			
HR	96	1916					1916			
HR	97	1927	1940				1984			
HJR	98	1980	2022							
HR	99	1980					1988			
HR	100	1983					1984			
HR	101	2021					2021			
HR	102	2207					2207			
HJR	103	2135					2135			
HR	104	2147								
HR	105	2147					2199			
HR	106	2283					2285			
HR	107	2206					2206			
HR	108	2282					2282			
HR	109	2460					2460			
HR	110	2460					2462			
HR	111	2461					2461			
HR	112	2584								2586
HR	113	2602					2603			2603

HR 114 Commending Reverend Delbert Butts. (McNamara and others)
HR 115 Commending Katherine Peden. (Hardin, Bruce)
HR 116 Adjourning in memory of Leonard A. McNamara. (Irick and others)
HR 117 Congratulating the University of Kentucky basketball team. (Blythe and others)

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Adopted	Senate Message	Enrolled	Other	Action
HR	114	2604					2604				
HR	115	2602									
HR	116	2627					2628				2628
HR	117	2660					2660				2660

HISTORY OF SENATE BILLS

Numbers refer to page of House Journal. The text of a bill is given on first reading.

SB 1 Appropriating $200,000 from the General Expenditure Fund to the Legislative Sessions account.
SB 2 Permitting the issuance of special license plates for vehicles of handicapped persons.
SB 4 Increasing the compensation of election officials.
SB 11 Increasing the pay of grand and petit jurors.
SB 12 Permitting servicemen on furlough to use their military identification instead of hunting and fishing licenses.
SB 14 Increasing the interest of a surviving spouse in the property of a deceased spouse.
SB 18 Permitting a retest of an animal showing a positive reaction in the test for brucellosis.
SB 19 Permitting cities of the second class to establish bus or taxi systems.
SB 20 Including property owners in cities of the second class in restrictions concerning rubbish and weeds.
SB 21 Providing for the eradication and control of Canada and Nodding thistles.
SB 22 Providing for the recovery of benefits in the case of wrongful death.
SB 24 Extending personam jurisdiction of Kentucky courts to foreign corporations.
SB 27 Permitting deductions from the personal income tax for higher education expenses.
SB 29 Limiting work hours of policemen in cities of the first class.
SB 31 Regulating the sale and use of unventable gas-fired heaters.
SB 36 Adopting the Uniform Deceptive Trade Practices Act.
SB 37 Adopting the Uniform Federal Tax Lien Registration Act.
SB 38 Making business records competent evidence on testimony of the custodian.
SB 39 Extending the powers and rights of the Uniform Gifts to Minors Act to financial institutions.
SB 40 Requiring school buildings to meet radiation hazard standards.
SB 41 Providing for succession to the office of county judge.
SB 42 Requiring fall-out shelters in all public buildings.
SB 43 Establishing the rate of overtime pay for firefighters.
SB 45 Requiring an affected freeholder to be a party plaintiff in city boundary proceedings.
SB 46 Regulating public accountants.
SB 48 Reclassifying McKee to a city of the fifth class.
SB 49 Reclassifying Southgate to a city of the fourth class.
SB 50 Providing for holidays for state employees.

		Senate Message	Referred	Reported	1st	Readings 2nd	3rd	Enrolled	Other Action
SB	1	193	197	230	230	263	300	366	297
SB	2	1655	1772	2366	2394	2564	2666	2678	2652
SB	4	152	197						
SB	11	2306	2316						
SB	12	470	470	1076	1076	1279	2567	2580	1412, 1936, 1998
SB	14	964	1003	1334	1349	1417	2571	2617	1201, 2317
SB	18	104	136	173	173	209	272	302	230
SB	19	111	136	915	917	964	1303	1414	973, 1207
SB	20	111	136	310	316	387	482	793	461, 469
SB	21	111	136	318	321	387	486	716	474
SB	22	222	240	350	357	387	1304	1414	973, 1207
SB	24	1655	1772						
SB	27	821	938						
SB	29	2306	2316	2462	2462	2564	2648	2665	2646
SB	31	738	742	1980	1980	2020	2571	2580	793, 821, 938, 2317
SB	36	1639	1654	2516	2555	2564			
SB	37	1279	1313	2244	2250	2452			
SB	38	232	240	1901	1901	1982			
SB	39	222	240	1901		1982			
SB	40	2009	2022						
SB	41	120	136	1219	1219	1413	2569	2580	1417, 1936, 1998
SB	42	709	715						
SB	43	2454	2462	2463	2463				
SB	45	193	197	1725	1725	1869	2615	2649	2564
SB	46	1279	1313	1612	1621	1760	2581	2617	2317
SB	48	193	197	765	780	888	1206	1414	973
SB	49	222	244						
SB	50	152	197						

SB 55 Granting county courts authority to exempt from distribution property for widows.
SB 62 Permitting a shorter school day for the first eight grades.
SB 64 Providing for the retirement of circuit judges.
SB 65 Increasing the amount of money involved in cases of concurrent jurisdiction of quarterly and circuit courts.
SB 70 Revising workmen's compensation.
SB 72 Establishing a trust fund for children committed to the Department of Child Welfare.
SB 75 Exempting 90 percent of the gasoline tax used for agricultural purposes.
SB 77 Requiring sentence credit for time in jail prior to sentence.
SB 78 Increasing the term of imprisonment for forceful escape.
SB 79 Increasing the jailer's fee for keeping prisoners.

SB 80 Increasing teachers' retirement allowances.
SB 81 Prohibiting insurers from showing preference.
SB 84 Exempting farm machinery from the sales and use tax.
SB 85 Including handicapped children in family disability insurance provisions.
SB 86 Redefining agricultural cooperative associations.
SB 90 Terminating parental rights upon failure to provide support.
SB 92 Providing a tax-free status to the proceeds of an insurance policy to a testamentary trustee.
SB 94 Excluding partnership property located in another state from Kentucky inheritance taxes.
SB 96 Permitting council meetings outside the city limits.
SB 97 Granting authority for map amendments to planning and zoning plans.
SB 99 Establishing a rate of one and one-fourth percent for occupational license taxes in cities of the first class.
SB 101 Requiring the state to purchase automobile liability insurance for state policemen.
SB 105 Removing the upper limit on salaries of assistant Commonwealth's attorneys.
SB 106 Defining mortgage guaranty insurance.
SB 110 Enacting the Falls of the Ohio Interstate Park Compact.
SB 112 Reducing the penalty for carrying a concealed deadly weapon.
SB 113 Altering the term of service of a "friend of the court."
SB 114 Altering the term of service of guardians.
SB 115 Permitting industrial loan companies to acquire promissory notes.
SB 116 Establishing a minimum salary for judges of police courts.

SB 117 Permitting school teachers to participate in tax-sheltered annuity plans.
SB 118 Adding non-voting members to state universities' boards of regents.
SB 120 Establishing two additional judgeships for the Eighth Circuit Court District.

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Other Action
SB 55	964	1003	1418	1436	1760	2610	2640	2564
SB 62	222	240	2150	2152	2452			
SB 64	1655	1772	2017	2017	2168	2668	2678	2652
SB 65	193	197	364					
SB 70	1412	1417	1655	1656	1869	2596	2640	2564, 2598
SB 72	460	470						
SB 75	225	239	1326	1878	1911	2667	2678	1869, 2652, 2665
SB 77	193	197						
SB 78	1133	1215						
SB 79	193	197	982	982	1132	2567	2580	1219, 1312, 1649, 1921, 1992
SB 80	2137	2145	2150	2151	2452	2673	2678	2652
SB 81	263	305	821	822	919	1207	1414	973
SB 84	470	470	907	907	964	1312	1760	1219
SB 85	821	938	1783	1788	1911	2666	2678	2652
SB 86	738	741	1076	1078	1279	2568	2580	1412, 1936, 1998
SB 90	193	197	1901	1904	1982	2672	2678	2652
SB 92	388	471	1119	1130	1279	2670	2678	2652
SB 94	222	239						
SB 96	365	470	1725	1726	1869	2578	2617	2317
SB 97	193	197	1251					
SB 99	1993	2022	2312	2312	2452	2631	2649	2632
SB 101	793	820	1251	1251	1413	2570	2617	1417, 1936, 2580
SB 105	388	471	2298	2298	2452	2607	2649	2564
SB 106	225	239	821	822	919	1304	1414	973, 1207
SB 110	232	239	318	318	387	469	487	461
SB 112	388	471	2366	2410	2564	2676	2678	2652
SB 113	388	471	1774	1779	1911	2574	2617	2317
SB 114	388	471	1774	1778	1911	2606	2640	2564
SB 115	1869	1877	2227	2229	2452	2608		2564, 2620, 2623
SB 116	1655	1771	2303	2305	2452	2594	2665	2564, 2607, 2643, 2645
SB 117	225	240	1889	1890	1982	2618	2649	2564
SB 118	365	470	1889	1985	2020	2618	2649	2564
SB 120	388	471	716	716	792	902	996	821

SB 122 Revising the statutes (Reviser of Statutes bill).
SB 123 Establishing wages paid on public works construction projects.
SB 124 Permitting the execution of a mortgage deed of trust in favor of a trustee.
SB 125 Including as public projects facilities constructed in shopping centers.
SB 126 Permitting legislative review of administrative regulations.
SB 129 Permitting the issuance of a temporary life insurance agent's license.
SB 131 Permitting peace officers to have private employment.
SB 136 Requiring the sheriff to collect taxes.
SB 137 Granting control of the Old State Capitol and grounds to the Kentucky Historical Society.
SB 138 Adding one member to the State Fair Board.
SB 139 Permitting farmers' special registration fee for trucks.
SB 140 Defining compensating tax rate and permitting school districts to increase the tax rate five percent annually.
SB 141 Authorizing the establishment of neighborhood improvement districts.
SB 142 Establishing a fee schedule for master commissioners and receivers.
SB 143 Directing the Legislative Research Commission to conduct a continuing study of the Kentucky Constitution.
SB 145 Changing the grounds for divorce.
SB 146 Proposing a constitutional convention.
SB 148 Declaring the age of majority as 18 years with two exceptions.
SB 152 Permitting simultaneous operation of a motor vehicle sales business and a salvage business.
SB 153 Enacting the Uniform Limited Partnership Act.
SB 155 Requiring a copy of a witness' statement be given to him.
SB 156 Permitting the admission of information by a confidential informant.
SB 157 Authorizing cities and counties to purchase group life insurance.
SB 160 Making various changes in the authority of a metropolitan sewer district.
SB 161 Including the Madisonville Cooperative Extension College in the state's community college system.
SB 163 Abolishing the right of a spouse to sue in tort for negligence.
SB 164 Authorizing four judgeships for the Sixteenth Circuit Court District.
SB 166 Permitting circuit court judges to solemnize marriages.
SB 167 Permitting Commonwealth's attorneys to appoint district detectives.
SB 169 Providing terms for the cancellation of automobile liability insurance.
SB 170 Increasing the membership of the Real Estate Commission.
SB 171 Authorizing separate workmen's compensation insurance policies for specific work locations.
SB 172 Permitting adjustment of the compensating tax rate for school purposes.
SB 173 Proposing an amendment to the Kentucky Constitution to assess agricultural land according to its value for agricultural uses.

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Other Action
SB 122	1133	1215	1450	1450	1760	2621	2649	2564
SB 123	489	715	761	761	888	1207	1414	973, 1279
SB 124	971	1003	2084	2099	2168	2588	2617	2317
SB 125	971	1003	2084	2100	2168	2582	2665	2317, 2596, 2636
SB 126	263	306	493	493	736	1213	1414	821, 903, 926,968, 997, 2452
SB 129	263	305	821	824	919	2566		973, 1207, 1921, 1992
SB 131	460	470	765	781	888	1305	1760	973, 1207, 1303
SB 136	388	470	765	782	888	1208	1414	973
SB 137	470	471	2366	2418	2564			2633
SB 138	2137	2145	2148	2148	2452			
SB 139	2137	2145	2320	2321	2564			
SB 140	1639	1654	2153	2156	2452			
SB 141	1869	1877	2043	2048	2168	2664	2678	2633
SB 142	388	471	1268	1268	1413	2630	2649	2632
SB 143	2137	2145	2252	2252	2452			
SB 145	1133	1215	1911					
SB 146	1639	1654	2252	2253	2452			
SB 148	470	471	1418	1438	1760	2608	2640	2564
SB 152	1412	1416	2320	2327	2564			
SB 153	1869	1877						
SB 155	388	471						
SB 156	1927	1940	2298	2303	2452	2675	2678	2652
SB 157	1133	1215	1886	1886	1982	2576	2617	2317
SB 160	1869	1877	2168	2176	2452	2665	2678	2633
SB 161	470	470	697	698	736	997	1132	906, 929, 968
SB 163	971	1003	1418	1449	1760	2583	2617	2317
SB 164	1133	1215	2017	2018	2168	2579	2617	2317
SB 166	1133	1215	1901	1906	1982	2669	2678	2652
SB 167	1655	1772						
SB 169	472	715	1783	1789	1911	2649	2665	2564
SB 170	1655	1771	2298					
SB 171	964	1003	2166	2166	2452	2621	2649	2564
SB 172	1133	1215	1946	1946	1982	2658	2678	2652
SB 173	1639	1654	1733	1745	1869	2622	2649	2564

SB 176 Filing research contracts with the Legislative Research Commission.
SB 177 Establishing the standing committees of the General Assembly as subcommittees of the LRC during interim between sessions.
SB 178 Including needy persons who have lost a major source of income in public assistance grants.
SB 179 Requiring domestic mutual life insurers to have a surplus equal to the amount of capital required.
SB 180 Specifying requirements for state bank examiners.
SB 181 Authorizing privately-owned colleges to condemn land.
SB 182 Revising condemnation proceedings.
SB 184 Defining perjury and false swearing.
SB 191 Prohibiting riots.
SB 192 Prohibiting obstruction of fire-fighting operations.
SB 195 Prohibiting resisting arrest.
SB 197 Prohibiting attempts to commit any offense.
SB 201 Providing for optometric service under disability insurance.
SB 202 Providing for optometric services under the medical assistance program for needy persons.
SB 203 Increasing the circuit court clerk's fee for filing an original process.
SB 205 Increasing the bond for well drilling permits.
SB 207 Changing membership from the county retirement system to the police retirement system.
SB 208 Increasing the maximum interest rate permitted on revenue bonds.
SB 209 Permitting the issuing of a warrant for a person littering highways.
SB 211 Distinguishing between juvenile delinquent and juvenile offender.
SB 213 Adding a retired teacher to the Board of Trustees of the Teachers' Retirement System.
SB 214 Making an appropriation to the Legislative Research Commission for the 1968-70 biennium.
SB 218 Including a registered nurse as a member of county health boards.
SB 223 Creating the Board to Facilitate the use of Public Buildings by the Physically Handicapped.
SB 225 Authorizing domestic life insurers to acquire stock in burial associations.
SB 232 Increasing various court clerks' fees.
SB 233 Allowing the county clerk operating expenses as custodian of voting machines.
SB 242 Permitting restaurants to extend credit for the sale of distilled spirits.
SB 245 Allocating a portion of the New State Capitol to the LRC.
SB 246 Authorizing the sale of watercraft.
SB 247 Requiring a fine for railway obstruction of highways.
SB 248 Authorizing private parking for a fee.
SB 249 Reclassifying Corydon to a city of the fifth class.
SB 250 Regulating the use of biologics.
SB 252 Requiring proof of inspection upon registration of an automobile.
SB 253 Permitting facsimile signatures.

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Other Action
SB 176	472	715	1450	1600	1760	2623	2649	2564
SB 177	472	715	1450	1598	1760	2627	2649	2564
SB 178	1639	1654						
SB 179	964	1003	2366					
SB 180	489	715	1087	1089	1279	2568	2580	1412, 1936, 1998
SB 181	2137	2145						
SB 182	2137	2145	2503	2504	2564			
SB 184	2294	2316						
SB 191	1133	1215	1901	1906	1982	2624	2649	2564
SB 192	1279	1313	1725	1727	1869	2576	2617	2317
SB 195	1279	1313	1773	1773	1911	2589	2617	2317
SB 197	1412	1417	1901	1910	1982	2625	2649	2564
SB 201	1655	1772						
SB 202	1655	1772						
SB 203	1279	1313	2058	2078	2168	2593	2640	2317, 2665
SB 205	1655	1772						
SB 207	821	939	1334	1353	1417	2570	2617	1418, 1996
SB 208	2306	2316	2366	2370	2564	2632	2649	2631, 2632
SB 209	1655	1772						
SB 211	1279	1313						
SB 213	821	938						
SB 214	472	715	939	939	990	1306	2453	1131, 1412, 1639, 2286
SB 218	1912	1940	2084	2094	2168	2626	2649	2564
SB 223	821	939	2084	2092	2168	2659	2678	2633
SB 225	821	938	1087	1090	1279	2569	2580	1412, 1936, 1998
SB 232	1918	1940	2084	2084	2168	2587	2617	2317
SB 233	1998	2022	2084	2091	2168	2587	2617	2317
SB 242	2294	2316	2516	2516	2564	2653		2633
SB 245	1869	1877	2366	2416	2564			
SB 246	1655	1771	1806	1842	1911			
SB 247	2306	2316	2420	2433	2564	2651	2668	2651
SB 248	1655	1771	2303	2305	2452			
SB 249	1279	1313	1725	1727	1869	2577	2617	2317
SB 250	1655	1771	1940	1943	1982	2578	2617	2317
SB 252	971	1003	1251	1252	1413	2594	2649	2564
SB 253	1655	1772	1901	1911	1982			2317

SB 254 Enacting the Kentucky Non-Profit Corporation Act.
SB 260 Requiring bi-weekly meetings of the Workmen's Compensation Board.
SB 261 Requiring redemption within one year of shares withdrawn in a professional service corporation.
SB 263 Making an appropriation to local fire departments.
SB 264 Requiring open housing.

SB 266 Permitting recording in any county instruments relating to mortgages.
SB 267 Requiring university employees to receive supplemental pay when on military reserve duty.
SB 268 Requiring slow-moving vehicle emblems.
SB 269 Exempting vending machine sales from the sales and use tax.
SB 271 Reducing state agencies' State Fire and Tornado Insurance Fund premiums.
SB 274 Deleting the county population requirement for the appointment of a police court stenographer.
SB 275 Increasing the compensation of county judges.
SB 276 Authorizing trustees to be vested with full rights of ownership.
SB 279 Providing for area planning commissions.
SB 280 Declaring compliance of statutes with the Federal Communications Commission's regulations.
SB 282 Permitting the fiscal court to abate nuisances.
SB 283 Increasing the driver's license fee to provide for driver education programs.
SB 284 Authorizing reimbursement to state employees for moving expenses.
SB 286 Increasing the fee for filing financial statements.
SB 288 Requiring municipal electric plant boards to pay the in lieu tax payment based on the 1965 year.
SB 289 Permitting milk producers to act jointly in promoting milk products.
SB 290 Regulating the licensing of insurance companies.
SB 291 Establishing a state medical examiner service program to assist the county coroner.
SB 292 Requiring legal notices to be published in the newspaper having the largest paid circulation.
SB 293 Requiring annual expense allowances for the circuit clerk and county clerk.
SB 296 Permitting a claim for permanent disability to be made one year later.
SB 297 Increasing the membership of the Kentucky Port and River Development Commission.
SB 299 Specifying the date for the annual meeting of stock insurers.
SB 300 Increasing the amount of group insurance coverage.
SB 301 Granting various powers to riverport authorities.
SB 302 Requiring payment of property taxes before registering an automobile.
SB 306 Replacing the Kentucky Registry of Election Finance.

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Other Action
SB 254	1279	1313	2516	2517	2564	2642	2665	2632
SB 260	1412	1417	2166	2167	2452			
SB 261	1279	1313	2295	2295	2452	2672	2678	2652
SB 263	1639	1654						
SB 264	2306	2316	2433	2503	2564	2616	2665	2606, 2616, 2632 2643, 2644
SB 266	**2454**	**2462**	**2503**					
SB 267	1869	1877	2331					
SB 268	2137	2145	2320	2328	2564			
SB 269	2137	2145	2244	2244	2452	2647	2665	2633
SB 271	1869	1877	2227	2230	2452			2564
SB 274	2009	2022	2420	2420	2564	2669	2678	2652
SB 275	1927	1939	2168	2175	2452	2609	2649	2564
SB 276	2294	2316	2559	2562	2564	2673	2678	2652
SB 279	1869	1877	2168	2168	2452	2664	2678	2633
SB 280	1869	1877	2252	2254	2452	2652	2669	2633
SB 282	1655	1771	1886	1887	1982			
SB 283	2009	2022	2262	2270	2452	2665	2678	2652
SB 284	1912	1940	2084	2103	2168	2579	2617	2317
SB 286	2137	2145	2262	2268	2452	2669	2678	2564
SB 288	1993	2022	2153	2153	2452	2589	2617	2564
SB 289	1655	1771	1806	1842	1911	2650	2665	2633
SB 290	1912	1939	2227	2231	2452	2626	2649	2564
SB 291	1655	1772	1943	1943	1982	2661	2678	2633
SB 292	1655	1772	2559	2559	2564	2673	2678	2652
SB 293	2306	2316	2366	2369	2564	2647		2633
SB 296	1869	1877						
SB 297	1655	1772	1959	1966	1982	2661	2678	2633
SB 299	1912	1939	2332	2364	2564	2671	2678	2652
SB 300	1912	1939	2332	2365	2564	2671	2678	2652
SB 301	1912	1940	2262	2271	2452	2629	2649	2564
SB 302	2294	2316	2320	2329	2564	2676	2678	2652
SB 306	1927	1939	2512	2513	2564	2643	2665	2633

SB 308 Requiring the Department of Education to meet federal and state requirements.
SB 311 Establishing a public defender system.
SB 312 Revising hearing procedures of the state Personnel Board.
SB 314 Establishing the salaries for circuit court stenographic reporters.
SB 315 Creating a Division of Records of the Archives and Records Commission.
SB 316 Permitting the sale of state property at less than the appraised value.
SB 317 Specifying certain requirements for purchasing land from state funds.
SB 320 Requiring Department of Finance approval for capital construction projects.
SB 321 Requiring the Secretary of State to index all deeds of state-owned property and requiring Department of Finance approval for capital construction projects.
SB 322 Requiring all state-owned vehicles to bear the state seal.
SB 326 Authorizing the creation of hospital districts.
SB 329 Requiring an examination prior to appointment as a policeman or fireman.
SB 331 Regulating milk substitute products.
SB 333 Revising the state accounting system and coordinating data processing.
SB 337 Requiring a city to describe by metes and bounds territory to be annexed or stricken.
SB 338 Requiring advertisement of intent to establish a junkyard.
SB 340 Granting authority to the Attorney General to employ all state attorneys.
SB 341 Requiring a doctor to be on continuous duty in 100-bed hospitals.
SB 342 Creating a unified metropolitan social services administration.
SB 343 Permitting a city to annex a portion of a body of water.
SB 344 Authorizing two judges for the Second and Eighth Circuit Court Districts.
SB 345 Exempting manufacturers from all city taxes.
SB 347 Correcting a typographical error in the public utility mortgage statutes.
SB 349 Transferring the authority to make state loans to local airport boards to the Department of Aeronautics.
SB 354 Regulating the sale of sod.
SB 361 Directing the Department of Mental Health to study alcohol problems.
SB 363 Authorizing the State Fair Board to establish traffic regulations.
SB 364 Allowing members of the State Police Retirement System to remain members.
SB 365 Authorizing the State Fair Board to establish property regulations.
SB 367 Regulating advertising signs along federal aid highways.
SB 372 Adopting the Compact for Education.
SB 373 Providing for a four-year term for planning and zoning commission members.

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Other Action
SB 308	2294	2316	2332	2332	2564	2661	2678	2633
SB 311	1655	1772	2503	2510	2564			
SB 312	1655	1772	2262	2278	2452	2629	2649	2564
SB 314	1912	1940	1959	1959	1982	2588	2617	2317
SB 315	1993	2022	2366	2395	2564	2655		2633
SB 316	1869	1877	1959	1961	1982	2615		2564
SB 317	1912	1940						
SB 320	2462							
SB 321	1912	1940	2084	2104	2168	2612	2665	2564
SB 322	1912	1940	2084	2105	2168	2612	2640	2564
SB 326	1998	2022	2207	2207	2452	2611	2640	2564
SB 329	2009	2022	2463	2463	2564	2660	2678	2633
SB 331	1655	1771	1806	1850	1911	2650	2665	2633
SB 333	1927	1940	2084	2107	2168	2611	2640	2564
SB 337	2009	2022						
SB 338	2137	2145	2331					
SB 340	2294	2316	2420	2420	2564			2648
SB 341	1993	2022	2207	2217	2452			
SB 342	2137	2145	2466	2466	2564	2677	2678	2652
SB 343	2009	2022	2303	2304	2452	2659	2678	2633
SB 344	1912	1940	2058	2078	2168	2574	2617	2317
SB 345	2009	2022	2303	2304	2452	2606	2640	2564
SB 347	1927	1940	2298	2299	2452	2649	2665	2633
SB 349	1912	1940	2084	2123	2168	2581	2617	2317
SB 354	2294	2316	2317	2317	2564			
SB 361	2137	2145	2366	2412	2564			
SB 363	2137	2145	2366	2369	2564	2653	2668	2633
SB 364	1993	2022	2084	2104	2168	2662	2678	2633
SB 365	1993	2022	2084	2126	2168	2610	2640	2564
SB 367	1912	1940	2262	2263	2452	2641	2665	2632
SB 372	1927	1940	2084	2126	2168	2630	2649	2564
SB 373	2014	2022	2463	2465	2564			

SB 375 Requiring the Department of Finance's approval prior to acquiring land for state parks.
SB 377 Permitting policemen and firemen to appeal to the circuit court.
SB 379 Prohibiting the subsequent licensing of motor vehicle operators who have driven with a suspended license.
SB 381 Creating the Bureau of Criminal Identification and Statistics in the Department of Public Safety.
SB 382 Requiring a person writing life insurance for installment contract purposes to possess an insurance agent's license.
SB 383 Making various changes in the planning and zoning statutes of cities of the first class.
SB 384 Permitting the use of automatic tabulating equipment for counting election votes.
SB 385 Establishing the Kentucky Law Enforcement Council and authorizing training schools for policemen.
SB 388 Deeming personnel of the Kentucky National Guard to be peace officers when ordered to duty by the Governor.
SB 392 Authorizing county boards of supervisors to review property tax assessments.
SB 398 Permitting taxicab companies a refund of five-sevenths of the state gasoline tax.
SB 403 Permitting the Department of Child Welfare to petition for court removal of a child.
SB 404 Creating the Kentucky Health and Geriatric Authority.
SB 405 Regulating toilet facilities aboard motor boats.
SB 406 Requiring confidential investigation of persons suspected to have venereal disease.
SB 412 Requiring the regulation of medical laboratories.
SB 413 Defining the fair cash value of real property.

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Other Action
SB 375	1998	2022	2366	2411	2564	2671	2678	2652
SB 377	2009	2022						
SB 379	2137	2145	2320	2330	2564	2670	2678	2652
SB 381	2009	2022	2298	2300	2452	2658	2678	2633
SB 382	2137	2145	2366					
SB 383	2137	2145	2366	2395	2564			
SB 384	2137	2145	2252	2254	2452	2658		2633
SB 385	1998	2022	2084	2095	2168	2645	2665	2633
SB 388	2137	2145	2366	2369	2564	2641	2665	2632
SB 392	2137	2145	2244	2245	2452	2630	2649	2564
SB 398	2573	2577	2591	2591	2612	2645		2645, 2670
SB 403	2294	2316	2466	2472	2564	2644	2665	2633
SB 404	2294	2316	2466	2473	2564	2663	2678	2632
SB 405	2306	2316	2320	2325	2564	2641	2665	2632
SB 406	2306	2316	2466	2488	2564			2632
SB 412	2306	2316	2466	2491	2564	2642	2665	2632
SB 413	2306	2316	2317	2319	2564			

HISTORY OF SENATE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated **SJR**; concurrent resolutions are designated **SCR.**

SCR 5 Adjourning the Senate and House January 3 until January 8.
SCR 14 Directing a joint committee to inspect the Governor's and Lt. Governor's mansions.
SCR 17 Directing the LRC to study the effectiveness of statutory provisions relating to special education.
SCR 19 Adjourning January 18 until January 22.
SCR 20 Requesting the Corps of Engineers to construct the Kingdom Come Reservoir.
SCR 21 Rescinding SR 8 of the First Extraordinary Session of 1965 requesting the federal Congress to call a convention to amend the federal Constitution.
SCR 26 Adjourning January 26 to January 31.
SCR 29 Commending the establishment of memorial flag poles.
SCR 31 Requesting the Corps of Engineers to construct a dam on Clarks River.
SCR 39 Recognizing the official flag of Okolona.
SJR 43 Directing preliminary work toward the establishment of Northern Kentucky State College.
SCR 46 Expressing appreciation for developing the 1968 rules of the General Assembly.
SCR 49 Adjourning February 21 to February 26.
SJR 51 Directing the LRC to continue its study of the Kentucky insurance laws.
SCR 52 Requesting the Department of Highways to study the feasibility of constructing a bridge across the Ohio River at Markland Dam.
SJR 53 Commending the Kentucky Volunteers for the Blind.
SJR 57 Directing the LRC to study the organization of Kentucky state government.
SJR 61 Directing the LRC to study revolving credit plans.
SJR 62 Directing the LRC to publish an eight-volume edition of the **Kentucky Revised Statutes.**
SCR 63 Designating May 1 as Law Day.
SCR 73 Adjourning the Senate and House sine die March 15, 1968.

		Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Adopted	Enrolled	Other Action
SCR	5	52					54		53, 56
SCR	14	155	197	259	261	297	391	461	306, 377
SCR	17	1998	2022	2150	2150	2452	2593	2640	2564
SCR	19	93					94		
SCR	20	225	240	1093	1118	1279			
SCR	21	1918	1940						2286
SCR	26	148					152		
SCR	29	470	471	1093	1119	1279	2605	2640	1412, 1936, 1998
SCR	31	460	470	1076	1086	1279	2567		1412, 1936, 1998
SCR	39	1133	1215	1725	1728	1869	2577		2317
SJR	43	1639	1654	1889	1889	1982			2317
SCR	46	1912	1940	2366	2366	2564	2677	2678	2652
SCR	49	821					889		
SJR	51	1927	1939	2227	2227	2452	2606	2640	2564
SCR	52	2137	2145	2320	2326	2564	2678	2678	2652
SJR	53	1912	1940	2147	2147	2452	2593	2640	2564
SJR	57	1927	1940	2366	2368	2564			
SJR	61	2137	2145	2262	2262	2452	2593	2640	2564
SJR	62	2294	2316						
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- Legal notices, broadcast of, HR 281
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